Hawaiian Gazette.

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Hawaiian Gazette.

SEMI-WEEKLY.

ISSUED TUESDAYS AND FRIDAYS

W. R. FARRINGTON, EDITOR.

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In New York city a large proportion of the people live, work and go to the theatre at a height of 100 feet in the air and this number is decidedly on the increase

EVERY NATION WANTS COMPANY.

No One Dares Tackle Turkey Single Handed.

FAKE TALK OF TRIPLE ALLIANCE

Armenian Massacres Continue--Russia Gets Control of Corea—Fighting in Cuba—Leadville Strike Quieting Down—Tupper Scores GovernorGeneral-- News from Foreign Lands

LONDON, Sept. 21.—The St. James Gazette this afternoon publishes a dispatch from Milan, Italy, that the Secol says the departure of the Italian flying squadron for the Levant is the initial step toward forcing Turkey to grant the reforms demanded in the case of the Armenians, and it is taken by Italy, supported by the United States and Great Britain.

Secol adds that in the event of the Sultan's refusal to grant the reforms he will be deposed.

A dispatch from Rome to the St. James Gazette says the Roma states that the Italian ships will co-operate with those of Great Britain and the United States.

DENIED AT WASHINGTON.

United States Will Not Meddle With European Affairs.

WASHINGTON, Sept. 21.—From time to time rumors have come from European sources to the effect that the Government of the United States has signified an intention of co-operating with one or more of the great powers, those last mentioned being Great Britain and Italy, to enforce reforms in the Turkish empire and prevent further attacks upon the Armenian Christians.

To support these stories a perfectly routine movement of two of our cruisers has been twisted into an intended hostile demonstration. It can now be authoritatively stated that it is not contemplated nor has it been, that our Government in the slightest degree should depart from its time honored custom of refraining from intervention in European affairs further than is necessary to protect American citizens, and even in protecting our citizens any action taken will be absolutely independent of any other power. As was the case in the Brazillian rebellion, the United States has maintained a sufficient naval force near where Americans reside in number to assure their safety, but with the political aspect of this or any other question there will be no intervention by our Government.

STORY OF CUBAN ENGAGEMENT.

Big Fight and Good Yarn That May Soon be Disputed.

HAVANA, Sept. 21.—Late reports give official details of a serious engagement in Havana province yesterday on a large estate near Calabazar. A small Government column, composed of Havana volunteers, members of the Engineers' Corps and cavalry men of the line, is alleged to have been attacked by 500 insurgents, commanded by Castillo and Delgado, who repeatedly attempted to surround and overwhelm the royal forces. The Spanish made a gallant defense, tenaciously holding their ground and repelling successive rebel machete charges, until finally reenforced by volunteers who had been hurriedly called from Arroyo Narranjo and other near-by points. When these arrived, by a brilliant Spanish countercharge, the rebels were ultimately routed up and driven from the field.

The enemy's loss is estimated at 100 killed and wounded. In the retreat they abandoned their dead. The Government losses were twenty-nine volunteers killed and three wounded, and two cavalry men killed and two wounded. It is reported that both Castillo and Delgado were wounded in the engagement, the former seriously, the latter slightly.

BISMARCK'S LETTER.

Regarded by Democratic Leaders as of Great Campaign Importance.

CHICAGO, Ill., Sept. 21.—The Democratic National Committee regards the letter of Prince Bismarck, favoring bimetallism, as a step toward an international agreement, and the cablegram sent to Mr. Bryan by the International Agricultural Congress at Buda-Pesth is making the first genuine political sensation of the campaign in favor of free silver coinage. Members of the committee at Chicago headquarters today said that these documents silenced the platform and declarations of the Republicans on the point that the United States alone could not change the monetary system of the world, and that the present agitation would be detrimental to international bimetallism. The committee decided to have these declarations translated into several languages, especially German, and distribute several millions.

Governor Altgeld's Saturday speech in reply to Cockran and Schurz is regarded by Chairman Jones as one of the ablest expositions of the silver cause that has been delivered during the campaign, and the demand for it will be met by the printing of it in German and English for wide distribution.

JAPAN AND RUSSIA.

Said to Have Joint Protectorate Over Corea.

LONDON, Sept. 21.—The Times expresses the belief that Russia and Japan have agreed to a joint protectorate in Corea, Russia virtually taking the position there that China held before the war. The King of Corea will quit the Russian Legation, where he has been since the assassination of the pro-Japanese Ministers, and will return in triumph to the palace. This arrangement, the Times asserts, will be carried out simultaneous with Japan's evacuation of Corea.

The Times editorially regards the foregoing arrangements as a great diplomatic victory for Russia, who, says the Times, thereby virtually obtains an ascendancy in Corean affairs, leaving Japan with only a nominal share in the control, with the bare satisfaction of saving appearances and of gaining time for a final solution in the future. Japan has missed one of the main objects of her ambition by impatience and by an incapacity to deal with the situation.

MILITIA IN CONTROL.

Leadville Troubles Quiet Down Before Armed Forces.

LEADVILLE (Col.), Sept. 21.—To-night Leadville is a vast military camp as a result of the dealing out of death and destruction with ruthless hands by dynamite on the part of the strikers this morning. The blowing up of the Coronado mine with its expensive machinery marks the culmination of one of the longest periods of suspense the community has ever undergone. The carbonate camp for the past three months has been as a volcano, and this morning at 1 o'clock, exactly three months to an hour from the time the strike was inaugurated, riot and murder and mob law ruled the town, when some one hurled the firebrand that destroyed the Coronado building and stockades.

There seems no doubt at midnight but what a tremendous conspiracy was on foot to destroy mining property worth millions of dollars, regardless of the life sacrificed, and the plot would have carried had it not been that men of all classes seized rifles and shotguns and rushed through the night to back the small company of militia that set out to protect the firemen at their work.

CAPTURE IS COMPLETE.

Sir Herbert Kitchener Reports Upon His Dongola Work.

CAIRO, Sept. 21.—Sir Herbert Kitchner telegraphed today that the gunboats of the British expedition to Dongola returned to Kerma yesterday afternoon. They report that they saw a few Dervishes at Dongola, who fled when fire was opened on them. A party landed from the gunboats and ascertained that only women and old men were left in the camp. No further trace of the enemy was seen on the return journey. The gunboats captured several boats, one of which contained the Dervishes' treasury records and money.

Sir Herbert Kitchner has sent to Wad-Bishara, the defeated Emir of Dongola, a message calling upon him to surrender and offering a pardon for himself and his followers.

DISCORD IN BRAZIL.

Trouble Over the Claims That Have Been Made by Italy.

BUENOS AYRES, Sept. 21.—The Herald's correspondent in Rio de Janeiro, Brazil, telegraphs that the police have received orders to take extraordinary precautions to protect the disembarkation of Special Commissioner Signor de Martino, appointed by the Italian Government to investigate outrages suffered by Italian colonists in Brazil. The Government will promptly suppress demonstrations of whatever character.

Jacobins recently held secret meetings, at which resolutions were adopted urging organization and energetic agitation in all parts of the country against the regime of President Moraes and in opposition to the granting of the Italian claim. A portion of the Brazilian press urges President Moraes not to consider the claims of Italy.

MORE MURDER.

Armenians Attacked by Kurds and Towns Pillaged.

CONSTANTINOPLE, Sept. 21.—Details are received of the massacre at Egin, Harpoot, and show that on the 15th and 16th of the present month the Kurds attacked the Armenian quarters, killing a large number of the inhabitants and pillaging and burning houses. Many Armenians escaped to the mountains.

According to the accounts of the Turkish Government, 600 Armenians were killed at Egin. These advices also state that the outrage was provoked by the Armenians firing into the Turkish quarters. No authentic details have yet been received.

The Armenians of Egin escaped massacre in 1895 by purchasing immunity with money and produce. It is feared here that the massacre is the beginning of a fresh series of massacres in Armenia.

MORE MISTAKEN POLICE.

United States Official Arrested While In Switzerland.

LONDON, Sept. 21.—A special from Berne, Switzerland, says that George F. Curtis, assistant librarian of Congress of the United States, residing in Washington, D. C., was arrested by two detectives at a hotel in Grindeau, thirty-five miles from this city, thrown into jail at Interlaken and searched. All his money and papers were seized and his baggage ransacked. After the director of police arrived at Interlaken from Berne Curtis was released. It apepars that the outrage was the result of police stupidity, Curtis being mistaken for a criminal wanted by the Swiss police. Curtis has lodged a complaint with the United States Consul, who is making a thorough investigation.

HUNDRED TURKS KILLED.

Result of a Battle With Macedonian Rebels.

LONDON, Sept. 22.—A dispatch from Athens to the Daily Telegraph says that 200 insurgents have defeated a battalion of Turkish troops near Grovenu, in Macedonia, and that 100 Turks were killed, the rest being completely routed.

Judge Denman Dead.

LONDON, Sept. 21.—The Right Honorable George Denman, formerly a judge of the High Court of Justice, but who retired from the bench in October, 1892, is dead aged 78 years. After his retirement from the bench Denman became a privy councilor and a member of the judiciary committe of the privy council.

Sir Charles Tupper Talks.

OTTAWA, Ont., Sept. 21.—In the House of Commons tonight Sir Charles Tupper made an attack upon the Governor General for not accepting his advice regarding appointments and other public business, and in this way compelling him and his colleagues to resign. The speaker called Sir Charles to order for accusing the Governor General of partisanship.

McKinley's Quiet Day.

CANTON, Ohio, Sept. 21.—Major McKinley passed a quiet day. Though there were a large number of individual callers there, no organized delegations came to see him. He passed the whole day in his library.

Property to Be Confiscated.

MADRID, Sept. 21.—A dispatch from Manila, Philippine Islands, says Governor General Blanco has decreed the confiscation of the property of the insurgents in those islands.

The severest outbreaks of smallpox in England this century were those of 1825, 1837, 1852, 1858, 1863-4-5, 1871-2 (very severe), 1877, and 1881.

WHAT IT COSTS TO BE A PRESIDENT.

McKinley or Bryan Can Live Well and Save Money.

WHAT ONE MAN MAY EARN.

Entertaining at the White House—How Different Presidents Have Lived—Some Officials Have Grown Rich—Water Flows Like Wine. Perquisits to Congressman Wm. J. Bryan.

WASHINGTON, Sept. 21.—Candidate Bryan if he is elected to the Presidency may set the example of turning back into the Treasury a part of the $50,000 salary which Congress gives the President. Theodore Roosevelt says one of Mr. Bryan's friends told him in Mr. Bryan's presence that he thought no man could earn $5,000 a year—that if he received more than about $1,500 a year, he came by the excess dishonestly. Mr. Bryan drew his $5,000 a year regularly while he was a member of Congress and the records do not show that he neglected any of the perquisites of his office, such as mileage, stationery, etc. It must be remembered that mileage always exceeds

GROVER CLEVELAND.

the actual cost of traveling at the highest prevailing rate and that most of the members of Congress travel to Washington on passes. "Stationery" money is $125 a year given to the member gratuitously. His official stationery is all furnished by the Government. As to the postage on his official letters which is supposed to be included in this $125, he saves all of that nowadays under the act permitting members to frank official mail.

But out of the $5,000 which is paid to him, notwithstanding the perquisites the member of Congress cannot pay his decent expenses and save anything. There have been instances where men saved money. One Southern member, many years ago, lived on his mileage and stationery money. He lived in a very cheap boarding house far from the Capitol and he walked to the Capitol every day of the session and walked back.

WANTS WERE FEW AND SMALL.

He never spent a cent on amusements and his "wants were few and small." His luncheon he took to the Capitol with him in a paper. When he went back to his people, he had enough money to buy a very fine plantation which was being offered at a sacrifice for cash, and there he lives today, happy and prosperous. He is one of the richest men in the district.

This man was the exception. The average Congressman finds his expenses in Washington eat up about all of the $5,000 the Government pays him. The President is more fortunate. The Government pays him $50,000, and then appropriates so much money for the expenses of his establishment so that he would be a very extravagant man if he could spend the whole of his salary. So, for the last 23 years—ever since Congress increased the salary of the President from $25,000 to $50,000 each of the Presidents has saved something from his official pay. Usually the President saves one-half of his salary and if he remains in office four years he takes $100,000 of the public money away with him from the White House. Mr. Cleveland did this in his first term.

President Cleveland is a rich man. There has been a good deal of talk about his wealth, because it has been charged that he made much of it in Wall street. But without this Wall street wealth—if he has any—he would be well to do. He saved money in Buffalo and at Albany and men who knew him when he was elected President said he was worth $100,000 when he came to Washington.

SAVED MONEY BEFORE HE MARRIED.

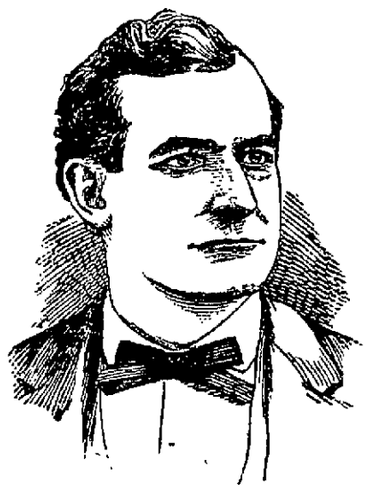
In his first term, in the year before his marriage, he spent very little. He did some official entertaining, but altogether he did not spend more than $30,000 and probably not more than $15,000 of his $50,000 salary. The fact is, he could not. The Government pays so many of the living expenses of a President that he would have a hard time spending $10,000 a year if he did not have some official dinner-giving to do. Even the cost of the little reception of the Earl Li Hung Chang was paid by the Government.

Congress supplies to the President all the office force he needs. This force of clerks transacts not only the official but the personal business of both the President and his wife. One of the White House clerks acts as Mrs. Cleveland's private secretary. The steward of the White House is under official salary. He has charge of the property of the Government in the Executive Mansion and gives a bond for its safety. The ushers are Government officials, and so are the laborers about the grounds. The President's "valet"—for the President, like the Hon. Henry Clay Miner, has a valet—is paid by the Government. In fact, of the working force in the White House only a few of the maids and the President's chef help to consume the President's salary. The President pays for the food and wine put on his table, whether for personal or official use.

That is, the President pays the expenses of his own table and pays the cost of the official entertainments he gives. But of these entertainments only the State dinners are at all costly. None of the receptions given by the President nowadays are "feeding" affairs. President Arthur had refreshments for his guests and so did President Hayes. But Cleveland and Harrison gave no entertainments where refreshments were served, except private entertainments to a very limited company or the State dinners, given at intervals of a week through the winter season.

HARRISON HAS A FEW, TOO.

President Harrison is considered a rich man in Indianapolis. He saved about $100,000 of his salary and he makes not



WM. J. BRYAN.

less than $25,000 a year in the practice of law and the pursuit of literary work. Arthur retired from the White House with a comfortable fortune, though he entered it a poor man. Still Arthur spent money more lavishly than most of the Presidents, for he had extravagant habits which had always kept him poor. Mr. Garfield died poor because he was in office a very short time and the expenses of his last illness were very great. Hayes took fully $100,000 to Fremont with him at the end of his term and he was a generous entertainer while he was in the White House, though Mrs. Hayes' insistence that no wine should be served there gained for him a reputation as penurious. "Water flowed like wine at the White House receptions," is a phrase you will hear very often at the White House receptions of today. Grant was in the White House eight years, but during the first four years of that time he received only $25,000 a year. He saved enough of his salary to have kept him comfortably if he had not risked his little fortune in the firm of Grant & Ward. Andy Johnson did not save much of his salary, and Abraham Lincoln died so poor that his widow had to write to Congress to ask for a pension, and meantime she sold her laces to raise money for her living expenses.

It costs the country $150,000 a year to maintain the executive establishment. In Washington's day the expenses were not $30,000. The President had no private secretary and only one or two clerks assigned to his service from their places in the executive departments.

GEORGE GRANTHAM BAIN.

BUCKNER IN NEW YORK.

Kentucky General Says His State Will Go AgainSt Bryan.

NEW YORK, N. Y., Sept. 21.—General Buckner, the National Democratic candidate for Vice-President, arrived at the Fifth-avenue Hotel this afternoon accompanied by Henry Watkins, Graham Vreeland and Morris B. Belknap. Colonel John R. Fellows was also with them.

General Buckner was reluctant to talk about political affairs. "I have no fixed plans," he said, "and am entirely in the hands of the National Committee."

"How will Kentucky go?" he was asked.

"Kentucky will go against Bryan," he replied.

"Does that imply that the State will go for McKinley?"

"I am working for my own ticket and Kentucky will go against Bryan," was all the General would say.

General Buckner will leave tomorrow night after the Madison-square Garden ratification meeting for Richmond.

MR. HILL WILL CONTROL.

New York Democrats in Hands of Gold Advocates.

NEW YORK, Sept. 21.—The meeting of the Democratic State Committee, called for tomorrow night, is causing much discussion and speculation tonight. Chairman Danforth said today that this meeting would simply be to elect a successor to W. F. Sheehan as National Committeeman and to attend to the details of the campaign.

It is rumored, however, that Senator Coffey of Kings county will voice the sentiments of the silver men on the ticket and ask the committee to use the power delegated to it by the State convention and name a new candidate for Governor. John Boyd Thatcher has not yet declined or accepted it, but it is understood he will act in the matter as the committee desires. It is because of this serious situation that Senator Hill is expected in the city tomorrow to take charge of the affairs and watch the meeting. It is generally believed that the State organization represented by Mr. Hill and Mr. Sheehan holds a majority of the committee in its grasp and therefore that the silverites will be defeated.

MEETING OF THE HEAD EDUCATORS.

Some Important Business Attended to Yesterday.

TWO APPLICATIONS WERE TABLED

Reforms at the Reform School—Manual Department — Suggestions by Mr. Dumas. One School Closed—Some Changes Necsary in Graded Schools—Work to go on.

There were present at the Board of Education meeting yesterday afternoon Minister Cooper, Prof. Alexander, Mrs. Dillingham, Mrs. Jordan, J. F. Scott and C. T. Rodgers, secretary.

The minutes of the previous meeting were read and approved.

Prof. Alexander reported that he had conferred with Mr. Holmes of the Bishop estate, who said that he would send a letter to the Board authorizing Mr. Paris, the school agent, who was their agent in Kona, to allow him to select a site for the new Hauamau school house. He also reported that he had agreed with Mr. Dillingham for a lot at Pearl City, fronting on Third street, of an acre and a half, where a suitable building could be constructed for that district.

J. F. Scott showed a book of blank forms for teachers' certificates, and he recommended that it be adopted, which was moved and carried.

A request of J. Smith of Koloa, Kauai, to lease a lot which belonged to the Board and was not in use at present, was refused, as the Board may need it soon.

Minister Cooper had made inquiries about starting some industrial work at the reform school, and found it could be accomplished easily. The Executive also was in favor of an industrial branch, and recommended that $500 be expended in making the arrangements complete.

The matter of those who were delinquent in payment for their tuition at the Emma Street school was brought up. Minister Cooper thought that all such persons should be sent to Armstrong Smith's school. In the discussion which followed, the fact was brought out that there was some feeling that there ought to be two schools of the same high grade and competent teachers, but one should be a little more select than the other. The grades in Mr. Smith's school now correspond with about seventh grade in the High School. Mr. Scott was instructed to obtain a complete list of all the pupils in both schools, and state which ones are paying pupils.

Freitas, the young boy at the reform school, was ordered to be released, as there was really nothing at all criminal in the lad.

Mr. Dumas asked permission of the Board, which was granted, to explain to them a few things in connection with the Practice School. He had three recommendations to make: First, that boys and girls should be allowed to attend, as it would give the young teachers a better opportunity of learning how to manage a class when they come to teach in the public schools; second, that there would be two grades in each of the two rooms, consisting of an entrance class. First reader, beginning Second reader and ending Third reader.

In this way it will be harder on the regular teachers, but will give more practice for the student teachers, and they will have fewer pupils to attend to during the recitations. No person commencing to teach should have more than twenty-four pupils at a time.

Third, that the buildings should be fenced in and kept separate from the rest of the buildings on the ground.

The pupils for this school are to be obtained from the primary classes of the other schools. It will be a difficult matter in some cases, if they take from the Royal School they will have to have the teachers take a higher grade than the one they are now teaching.

Mr Scott was authorized to obtain an estimate of the cost of putting up the fences.

An application from Mr Barton and one from C. H White for the position of assistant at the reformatory school were tabled.

Mr Meyers was authorized to close one school on Molokai until a suitable teacher could be found.

Mr Swain of Hamakua was given a raise to $50 a month in his salary.

Mr Scott reported that the school house at Maemae was all ready except the doors and windows and as they had not come on the Australia, it was decided not to wait any longer for them, but to go ahead and complete the job.

HANNA IS CONFIDENT

Pleased With the Political Situation in the West

NEW YORK, Sept. 21.—The Herald's Cleveland correspondent telegraphs as follows: Mr Hanna devoted a considerable portion of the morning to M. H. de Young of San Francisco who left at 11 o'clock to call on Major McKinley at Canton.

When asked for his opinion on the political outlook Mr Hanna said:

"Well, there is not a great deal to say at this particular time except in a general way. Generally speaking, the situation is I think very satisfactory and the outlook promising. It has I am sure improved very perceptibly in the West during the last few weeks."

IN THE SUPREME COURT OF THE HAWAIIAN ISLANDS.

THOMAS R. MOSSMAN v. THE HAWAIIAN GOVERNMENT.

QUESTIONS RESERVED BY THE CIRCUIT COURT, FIRST CIRCUIT.

SUBMITTED APRIL 29, 1896. DECIDED SEPTEMBER 24, 1896.

FREAR AND WHITING, JJ., AND CIRCUIT JUDGE CARTER, IN PLACE OF JUDD, C.J., DISQUALIFIED.

An adjudication of a question of descent in probate proceedings for distribution of personal estate is not conclusive upon that question in an action of ejectment for real estate as to one who was not a party or in privity with a party to the probate proceedings. *Keahi v. Bishop*, 3 Haw. 546, distinguished.

A conveyance by a disseissee to a third party is not void as against the disseissor.

OPINION OF THE COURT, BY FREAR, J.

This is an action of ejectment to recover possession of certain land covered by Land Commission Award 3322 on the northeasterly side of Hotel Street, in Honolulu, the plaintiff claiming title thereto by purchase.

Pleas and replications of considerable length were filed, setting forth the deeds and the records of the former proceedings referred to, but for the purposes of this decision they may be briefly stated in substance as follows:

Pleas. 1. That the plaintiff claims solely under two certain deeds from persons whose only claim of title was by descent from one Charles Kanaina, deceased, intestate, and that in certain proceedings in probate after notice, by publication, and hearing, the property remaining in the possession of the administrator of the estate of said Kanaina was adjudged to be distributed to certain other persons as the heirs of said Kanaina. 2. That in certain partition proceedings after notice, by publication and hearing, the land in question was by order of court sold at auction, and was at such sale purchased by and conveyed to the defendant, all of which was known at the time to the plaintiff's grantors. 3. That the deeds to the plaintiff were made when his grantors were out of possession and the defendant in possession, holding adversely to them, with their knowledge.

Replications. 1. That the decree of distribution was void for want of jurisdiction of the court over the parties, because in one of the two published notices the date of hearing was set forth as September 25, 1882, the appointed and actual day of hearing being September 15, 1882; that, even if the decree were valid, yet the plaintiff's grantors were related to the said Kanaina in the same degree as that claimed by the distributees, and that therefore the plaintiff is entitled to at least a share of the estate, and that the proceedings for distribution were at the time thereof unknown to the plaintiff's grantors. 2. That the plaintiff's grantors were not parties to the partition proceedings, and that the same were at the time thereof unknown to them. 3. That the adverse possession of the defendant was unknown to the plaintiff's grantors at the dates of their conveyances.

To these replications there was a general demurrer.

The case comes here on the reserved question of the sufficiency of the pleas and the demurrer.

The estate to a portion of which the plaintiff claims title in this action, that of Charles Kanaina, father of King Lunalilo, was supposed to have been settled after much litigation during the years 1877-1881. And in view of the extent of that litigation, the length of time that has since elapsed, and the amount of property the title to which may be affected by this decision, as well as the importance of the legal questions involved, and the disputed effect of certain former decisions of this Court on closely related questions, we may be justified in stating the reasons for our conclusions at some length. The pleas, all of which in our opinion are insufficient, will be considered in their order.

In considering the first plea—that of a former adjudication of the question of heirship in certain probate proceedings—we shall assume that the notice by publication in those proceedings was not so defective as to be assailable collaterally in this case. The ground of our decision is that the question of heirship was not in fact adjudicated in those proceedings as to the plaintiff's grantors with reference to the real estate. Those were proceedings on the petition of the administrator of the estate of Charles Kanaina, deceased, for examination and allowance of his accounts, for distribution of the personal property (a sum of money) remaining in his hands, and for his discharge. They in no manner concerned the real estate of the decedent, and the plaintiff's grantors were not parties thereto, and (as must be assumed at this stage of the case) were without knowledge thereof.

The question now raised is whether a finding (of heirship) in the course of one proceeding (for distribution) in respect of one subject (certain personal estate) is conclusive in another proceeding (ejectment) in respect of a different subject (certain real estate) as to one who, though having constructive notice, did not appear in the first proceeding. If the plaintiff's grantors are bound by the finding made in the first proceeding, he also is bound, for he is in privity with them.

The general rule is that a judgment is void as to one entitled to be heard who had no notice, actual or constructive; but if there was notice, then as to the subject of the proceeding the judgment is in every other proceeding conclusive, not only upon every point that was litigated in the first proceeding, but upon every point that might have been litigated; but as to a different subject, the judgment [illegible] conclusive only upon points actually contested and ad[illegible] in the first proceeding. Consequently, if one entitled to [illegible] appears but puts in only some of his defenses [illegible] as to others, he is in a subsequent proceeding [illegible] bound as to [illegible] defenses, but [illegible] a different [illegible] bound [illegible] contested in the first proceeding [illegible] a subsequent [illegible] [illegible] therefore, all the [illegible] of those proceedings [illegible] the personal property [illegible] points that were or might have been raised in those proceedings including the question of heirship, they are not bound upon any of them in this action of ejectment upon a different subject matter—the real estate.

These propositions are well settled. The principal case is *Cromwell v. Sac*, 94 U. S. 351; see also *Nesbit v. Riverside Independent Dist.*, 144 U. S. 610; *Watts v. Watts*, 160 Mass. 464; *Jacobson v. Miller*, 41 Mich. 90. In *Watts v. Watts* the Court said: "It would be a hard and oppressive rule which should make it necessary for one sued on a trifling claim to resist it, and engage in costly litigation in order to prevent the operation of a judgment which would be held conclusively to have established against him every material fact alleged and not denied in the declaration, so as to preclude him from showing the truth if another controversy should arise between the same parties. There might be various reasons why he would prefer to submit to a claim rather than to defend against it. For the purpose of defending that suit he would have his day in court but once, and if he chose to let the case go by default, or with a trial upon some of the defenses which might be made and not upon others, he would be obliged forever after to hold his peace. But a plaintiff can claim no more than to be given what he asks in his writ. He cannot justly complain that the defendant has not seen fit to set up defenses and raise issues for the purpose of enabling him to settle facts for future possible controversies." In *Cromwell v. Sac* the Court said: "Various considerations, other than the actual merits, may govern a party in bringing forward grounds of recovery or defense in one action which may not exist in another action upon a different demand, such as the smallness of the amount or the value of the property in controversy, the difficulty of obtaining the necessary evidence, the expense of the litigation, and his own situation at the time. * * * A judgment by default only admits for the purpose of the action the legality of the demand or claim in suit; it does not make the allegations of the declaration or complaint evidence in an action upon a different claim."

The former judgments considered in the cases above cited were *in personam*, but the reasoning upon which those cases were decided did not rest upon that fact, but would have been equally applicable if the former proceedings had been *in rem*. In proceedings *in rem* more persons may be bound by the final judgment, because in them more persons who may be entitled to be heard may receive actual or constructive notice by seizure or publicatoin than in proceedings *in personam*, in which the notice must in general be personal. In either case, however, all persons who had notice, actual or constructive, are in all other proceedings bound as to all questions involved, whether contested or not, so far as the final disposition of the subject matter of the first proceeding is concerned; but so far as those questions themselves are concerned upon which the final judgment was based, they are not bound unless they contested or confessed them. A person may waive his right to the thing claimed without waiving his right to contest for other purposes the grounds upon which the claim is based.

An exception in the application of this rule viewed in the light of the rule requiring mutuality of estoppel is made by some courts which hold certain judgments *in rem* in admiralty conclusive in favor of a stranger as against a party (not, however, in favor of a party as against a stranger, as we are asked to hold in this case) upon the intermediate as well as the final facts adjudicated. This exception may perhaps be accounted for on other grounds than the nature of the proceeding as being *in rem*. If not, it must be regarded as resting on authority alone, and is not to be extended. See *Brigham v. Fayerweather*, 140 Mass. 411; 2 Van Fleet, Form. Adj., Secs. 518, 522; 2 Sm. Ld. Cas. 696-699. It is certain that in respect of probate proceedings, even when in the nature of proceedings *in rem*, the rule, not the exception, has been applied with practical uniformity.

To illustrate, if the determination of a question of relationship or heirship is the direct object of a proceeding *in rem*, the judgment will necessarily be conclusive upon that question in every other proceeding as to all persons whether they appeared in the first proceeding or not. Such seems to have been the case in *Ennis v. Smith*, 14 How. 400, in which decrees of the Courts of Nobility of the governments of Grodno and Kobryn in the Russian privince of Lithuania, declaring certain persons to be the next of kin of General Kosciusko in a proceeding instituted for that purpose were held in other proceedings in the United States to be evidence of heirship as against persons who were not parties to the first proceeding. (See comments on this case in *Shores v. Hooper*, 153 Mass. 234.)

If the relationship or heirship is not the direct subject, but is merely one of the grounds upon which the final judgment disposing of the direct subject is based, as, for instance, if the direct purpose is the appointment of an administrator, and if in order to decide this matter the question of who is next of kin to the deceased is actually litigated and adjudicated, the adjudication will be conclusive upon all who were parties to that proceeding, even in a different proceeding for a different purpose, as, for instance, in a proceeding for distribution; *Caujolle v. Ferrie*, 13 Wall. 465; *Barrs v. Jackson*, 1 Phill. 582 (19 Eng. Ch. 584); *Howell v. Budd*, 91 Cal. 348; or in a proceeding for the settlement of an account; *Garwood v. Garwood*, 29 Cal. 514; or in an action of ejectment; *Blackburn v. Crawford*, 3 Wall. 190; *Kearney v. Denn*, 15 Wall. 51; so if the first proceeding were for distribution and the second in ejectment; *Keahi v. Bishop*, 3 Haw. 546; see 1 Van Fleet, Form. Adj. 68. But as against one who was not a party to the first proceeding there is no such estoppel by the intermediate findings of fact upon which the final judgment was based. *Spencer v. Williams*, L. R. 2 P. & D. 230. In *Blackburn v. Crawford* and *Kearney v. Denn*, *supra*, a question of legitimacy had been determined by the Orphan's Court in a proceeding for the appointment of an administrator; afterwards ejectment was brought by a brother who had been a party to the proceeding for administration and the sisters who had not been parties thereto; the adjudication was held not binding upon the sisters although binding upon the brother. In *Moore v. St. Paul, M. & M. Ry. Co.*, [illegible] Minn. [illegible], the adjudication of a question [illegible] real estate [illegible] probate court [illegible] of ejectment [illegible] other real [illegible] had not been [illegible] the first proceeding. The Court said: [illegible] would seem, too, that [illegible] the same *Denn*, subject [illegible] and in which [illegible] former judgment [illegible] effect [illegible] be [illegible], not only to that which was actually declared and expressly determined by the judgment, but also in respect to the grounds or facts upon which the judgment proceeds. * * * But it cannot be that, in a case where the former judgment itself is irrelevant to any fact in issue, those not actually parties to the proceeding can be affected in respect to the grounds or facts upon which that judgment may have been based." In *Shores v. Hooper*, 153 Mass. 228, an adjudication of heirship in a probate court in a suit involving only personal property was held not conclusive in a writ of entry for real estate as to persons not parties in the first suit. And although the persons against whom the probate decree was set up were not entitled to be heard in the probate court, the decision was based not so much upon that ground as upon the ground that those persons had not in fact been parties to the former proceedings whether entitled to be or not. Those persons were bound by the final decree disposing of the *res*, although not entitled to be heard, but not by the findings of fact upon which the decree was based. Said the Court: "It is true, that, in order to prevail in her controversy with the administrator, the demandant was compelled to prove that she was the sole heir of Dr. Ellis; but the parties to the present controversy are not the same as those in that litigation, nor is the same property the subject of dispute. It is urged by the defendant that this was in the nature of a decree *in rem*, and established her pedigree as the child of Dr. Ellis, and her status in reference to his estate as against all the world, so that the rights to all property, real or personal, and of all persons, are definitely settled, so far as those rights were dependent upon the question whether the plaintiff is the daughter of Dr. Ellis. * * * But while full effect is given to these decrees in regard to the subject matter with which they deal, it has never that we are aware of been held, even as against those persons who had notice of the proceeding and were entitled to be heard thereon, that in other proceedings the facts involved were to be deemed as conclusively settled thereby."

It is clear therefore that upon the authority of the English and American decisions the plaintiff in this action of ejectment for real estate ought not to be bound by the adjudication of heirship made with reference to the personal property in probate proceedings in which neither he nor his grantors were parties. But it is contended on behalf of the defendant that the rule has become established otherwise in this country by repeated decisions, the leading case being *Keahi v. Bishop*, 3 Haw. 546. That case, however, differed from the case at bar in this that all the parties who were held bound in the action of ejectment by the adjudication of heirship in the probate proceedings had participated or were in privity with persons who had participated in the contest in the probate court. Said the Court: "All the parties plaintiff in this present suit were present or represented (in the former suit), * * * and indeed it is not pretended that they are not in point of fact the *same parties or privies* of blood," and again, Kapepa's relationship "was adjudged in this very court between these parties * * * and the judgment is conclusive on the matter of Kapepa's relationship, if incidentally questioned by the *same parties* in this case." Thus, the actual decision in *Keahi v. Bishop*, so far as the questions of identity of parties and difference of subjects were concerned, is in entire harmony with the decisions elsewhere but is not an authority controlling the case at bar because not applicable to the facts of this case, for here, as was not the case there, the persons sought to be held were not represented in the former proceedings. And in none of the subsequent cases in which the decision in *Keahi v. Bishop* has been referred to have the facts been similar to those of the present case. See *Pahau v. Keelikolani*, 4 Haw. 295; *Rose v. Smith*, 5 Haw. 377; *Kaawihi v. Noa*, Ib. 381; *Kaawihi v. Rose*, Ib. 382; *Kailiaau v. Lumai*, 8 Haw. 508; *George v. Holt*, 9 Haw. 47.

But in the opinion of the majority of the Court in *Keahi v. Bishop*, it was said that "the adjudication of a question of descent or pedigree will be binding not only in the proceedings, in which they take place, but in every other in which the same question is agitated." (pp. 551, 554). This statement taken in its broad sense and without reference to the parties upon whom the adjudication will be binding is a mere *dictum*, for it goes beyond the facts of the case, for in that case only those who were parties or in privity with parties to the first proceeding were held bound in the second proceeding. But taken in the light of the facts of the case and in connection with the accompanying language—"the judgment of a court of concurrent jurisdiction directly upon the point is as a plea, a bar, and the judgment of a court of exclusive jurisdiction is conclusive upon the same matter *between the same parties* coming incidentally in question in another court for a different purpose," "matters, which have been determined by judicial authority, cannot be again drawn into controversy *as between the parties or their privies*," and "a decree with regard to the *personal status* of an individual will be *equally conclusive with* a decision upon *a right of property*"—the statement is not at variance with the principles above set forth. It could hardly be that the Court intended to ascribe to an adjudication of descent or pedigree a peculiar conclusiveness or to rest the effect of a judgment upon the nature of the question decided without reference to whether the parties were the same, or whether the question was involved directly or collaterally, or whether the jurisdiction was exclusive or concurrent. An adjudication upon a question of descent, precisely as upon any other question, may or may not be conclusive according to the circumstances. As the Court said, it "will be equally conclusive with a decision upon a right of property" but not more so. The statement in its broad sense depending upon the nature of the question merely and without reference to the parties has never that we are aware of been followed. On the contrary in one case, *George v. Holt*, 9 Haw. 47, in which it was relied on in this sense, it was rejected by the Court.

That the statement cannot be taken as true without reference to the parties to the adjudication is also clear from the authority from which the statement purports to be taken. It purports to be a quotation from the Duchess of Kingston's Case (2 Sm. Ld. Cas. 573). It was not however taken from that case itself, for there is no such language there, but it was probably taken from the notes to that case, as appears from the reference to that case, though without volume or page, from the identity of the language of the several quotations with the language found in those notes, and from the volume and page (2 Sm. Ld. Cas. 667) cited in one of the briefs on file in *Keahi v. Bishop* where the same quotations are found. The quotation [illegible] accurate, the words "will be binding" having been substituted for "may be binding." This error is very material taking the clause by itself, but not when read in the light of the accompanying clauses. It was no doubt made inadvertently or perhaps the Court was misled into making it by the brief [illegible] referred to or by some other authority where the same [illegible] was made, as, for instance, *Clemens v. Clemens*, 37 N. Y. [illegible]. But however that may be, no inference can be made from either the Duchess of Kingston's Case, the notes thereto, or

Clemens v. Clemens, that the findings upon which a final judgment is based in one suit will be binding in another suit for a different purpose as against one not a party or in privity with a party to the first suit. On the contrary in the Duchess of Kingston's Case the Court expressly held, "that a sentence of the Spiritual Court against a marriage in a suit of jactitation of marriage is *not* conclusive evidence, so as to estop the Counsel of the Crown from proving the marriage in an indictment for polygamy," and among the reasons assigned for this conclusion we find, "first, because the parties are not the same;" and after enumerating various cases in which sentences of the Ecclesiastical Courts had been received as evidence in other suits, the Court said, "but in all these cases, the parties to the suits, or at least the parties against whom the evidence was received, were parties to the sentence and had acquiesced under it; or claimed under those who were parties and had acquiesced." The celebrated *dicta* also in that case relating to the effect of judgments in general, one of which is quoted in *Keahi v. Bishop*, are expressly confined to cases "between the same parties."

But it is argued that whatever the actual decision in *Keahi v. Bishop*, it has generally been regarded by this Court as holding that a probate decree of final distribution is conclusive on a question of inheritance; and that the dissenting opinion in that case presents the same objections that are now urged against the effect of such a decree upon the title to the real estate. To what extent the Court or its members have regarded the decision in question in the manner referred to, we cannot say. It is quite likely that that decision has been thus misunderstood to some extent by both bench and bar, but such misunderstanding we believe has never been acted upon by the Court and should not be allowed to outweigh established principles. As to the objections of the dissenting Justice (the present Chief Justice) in that case, the question of non-identity of parties—upon which the present case depends—was not raised and could not have been raised because in that case the parties were the same. The ground of difference between the majority and minority of the Court was the question of the jurisdiction of the probate court to determine a question of relationship or heirship so as to affect the real estate. The majority of the Court may have erred on this point (see 1 Van Fleet, Form. Adj., 28, 29, 67, 74-76) but, assuming that they did not, or, if they did, that we are now bound by the decision, still it does not affect the present case—which depends on the question of parties. Whether the probate court which made the decree now involved had jurisdiction to determine the question of heirship in a proceeding instituted for that purpose, we need not decide. The proceeding was not in fact instituted for that purpose. Sec. 37 of Chap. 57 of the Laws of 1892 which confers upon Circuit Judges jurisdiction among other things "to determine the heirs at law of deceased persons and to decree the distribution of intestate estates" may go to this extent, but, if so, the proceeding should be instituted directly for the purpose. It appears in the present case that the probate court made a decree declaring who the heirs at law of the decedent were as well as distributing the personal estate, but even if it had jurisdiction at that time to entertain such a matter it did not have it in that particular case because there was no petition or notice to that effect. *Kailianu v. Lumai*, 8 Haw. 508.

It is true that under our statutes the same persons are distributees of personal estate and heirs of real estate and that therefore claimants of the real estate might in the capacity of claimants of the personal estate appear in the probate court and contest the same question of descent or pedigree. But they are not obliged to do so. As shown above they may make default and thereby waive all rights to the estate which is made the subject of the suit—the personal estate—and be bound as to that estate upon all questions involved, and yet not thereby waive their right to the estate which is not made the subject of the suit—the real estate. Parties who sue cannot claim more than they ask. See on the subject of identity of statutes, *Morin v. St. P., M. & M. Ry. Co.*, 33 Minn. 179.

In the second plea—that of a sale in partition proceedings—the defendant seeks to charge the plaintiff with an estoppel, not an estoppel of record on the ground that his grantors were parties to the partition proceedings or had constructive notice thereof by publication, but an estoppel *in pais* on the ground that they "stood by" with knowledge of the facts. But since the plaintiff in his replication denies that his grantors had such knowledge, it is admitted that the demurrer thereto cannot be sustained, in other words, that the second plea is unavailable at this stage of the case.

Under the third plea it is contended that a conveyance by a disseisee to a third party is void as to the disseisor by "the common law of England," which, "as ascertained by English and American decisions," is, by Sec. 5, Ch. LVII, Laws of 1892, "declared to be the common law of the Hawaiian Islands in all cases, except as otherwise expressly provided by the Hawaiian Constitution or laws, or fixed by Hawaiian judicial precedent, or established by Hawaiian national usage, provided however, that no person shall be subject to criminal proceedings except as provided by the Hawaiian laws."

It is as at least questionable whether such is the common law "as ascertained by English and American decisions," notwithstanding the statements of many standard authors to the contrary.

As for English decisions we know of none upon this subject prior to the Pretended Title Act, 32 Hen. VIII, c. 9. All subsequent decisions have been based upon that Act. The chief ground for supposing this to have been the common law previously is a remark in *Partridge v. Strange*, reported in Plowden, that that Act did not alter the common law except as to the penalty. But there had previously, from the time of Edward I., been many statutes passed upon the subjects of champerty and maintenance, and it is impossible to say how much the earlier decisions were affected by those statutes. We are at least without any definite knowledge of the law upon this subject as an intelligible system established by judicial decisions prior to the Pretended Title Act. The principal object in the enactment of those statutes seems to have been to prevent powerful lords from purchasing pretended titles for the purpose of harassing each other and more particularly for the purpose of oppressing and taking advantage of the common people by the exercise of the unfair influence of their wealth and position upon a weak or corrupt judiciary. But as the occasion for those statutes passed away with the changing conditions under which purchases came to be made more for purposes of trade and commerce than oppression, the Courts grew less and less inclined to favor the rule and adhered to it only so far as obliged to do so by statute, and finally the statute itself was repealed in so far as it bears upon the present case. *Jenkins v. Jones*, L. R. 9 Q. B. D. 128.

Turning now to America, we find this subject covered by local statute in many states in the majority of which conveyances are expressly permitted notwithstanding adverse possession. Stimson, Am. St. Law, Sec. 1401. In the majority of the other states in which the question has arisen, the judicial decisions are the same way. Among the courts generally referred to and which are referred to by defendant's counsel in this case as holding such conveyance void by the common law are those of Massachusetts and New York. But in the former state the court appears to have so held not so much by the common law of England as by the common law of Massachusetts which included the statute law of England at the time of the "Pretended Title Act." *Somes v. Skinner*, 3 Pick. 52, *Bradley v. Whiting*, 5 Pick. 348. *Barry v. Adams*, 3 Allen 494. And in New York we find the decisions based upon a local statute passed, as the court said, "at an early day" out of "deference for English legislation." This statute was afterwards for the most part abrogated. And the court said that "in this country, and especially in this state, the whole law of maintenance, except so far as it is embodied in our statutes has been repeatedly regarded by the courts as inapplicable to the present condition of society, and substantially obsolete," and that "even in England, the law of maintenance has fallen in a measure, into desuetude." *Sedgwick v. Stanton*, 14 N. Y. 289. Maine is another state in which the old rule was deemed law but only, as the court said, because it "was recognized by the Supreme Court of Massachusetts before the separation of this State from that Commonwealth." The old law was however altered by statute and in reply to the argument of counsel for a strict construction of the statute the court after showing the inapplicability of the old law to the present state of social equality, freedom of trade and fair administration of justice, said that it would not "thwart the purposes of beneficent legislation, by substituting therefor doctrines which had their origin in a semi-barbarous age, and which have long since fallen into disrepute with the occasion which elicited them." *Hovey v. Hobson*, 51 Me. 62. Some Courts, it is true, adhere to the old rule more distinctly on the ground that it is the common law of England. *Fite v. Doe*, 1 Blf. 127; *Martin v. Clark*, 8 R. I. 389; *Gruber v. Baker*, 20 Nev. 453. But the weight of authority seems to be to the effect that, if this ever were the common law, it is now obsolete as such and has no existence at the present time apart from statute. *Schomp v. Schenck*, 40 N. J. L. 195; *Mathewson v. Fitch*, 22 Cal. 86; *Bentinck v. Franklin*, 38 Tex. 458; *Wright v. Meek*, 3 Gr. (Ia) 472; *Hall v. Ashby*, 9 Oh. 96; *Brown v. Bigne*, 21 Or. 260; *Richardson v. Rowland*, 40 Conn. 565; *Roberts v. Cooper*, 20 How. (U. S.) 467; *Crane v. Reeder*, 21 Mich. 25; *Haddock v. Wilmarth*, 5 N. H. 181.

We are further of the opinion that the doctrine contended for, if common law, is within the exception of the statute, "as otherwise fixed by Hawaiian judicial precedent, or established by Hawaiian national usage." See *Danforth v. Streeter*, 28 Vt. 496. The principal grounds upon which the rule is said to rest are champerty, necessity for livery of seisin, and inalienability of a chose in action. Champerty is not a criminal offense here as it was by the common law or early English statutes. The rule is not adapted to the conditions of equality, freedom of trade and fair administration of justice that have long prevailed here. The common law as such was not in force here until January 1, 1893. Livery of seisin has never been required here. *Kapaukea v. Lawrence*, 4 Haw. 674; *Rose v. Smith*, 5 Haw. 377; *Keamalu v. Luhau*, 7 Haw. 324. The ground of non-assignability of a chose in action as a support to this rule was disposed of in *Estate of Kealiiahonui*, 9 Haw. 6. Conveyances by disseisees have frequently been the basis of litigation here without their validity being questioned. See, for instances, *Aylett v. Keaweamahi*, 8 Haw. 320; *Kela v. Pahuilima*, 5 Haw. 525; *Rose v. Smith*, Ib. 377; *Achi v. Kauwa*, Ib. 298. In the two cases in which alone, so far as we know, the validity of such conveyances has been questioned the conveyances have been sustained, although in one of the cases, *Kapaukea v. Lawrence*, 4 Haw. 674, no reasons are given and in the other case, *Estate of Kealiiahonui*, 9 Haw. 6, the reasoning bears only upon the question of non-assignability of a chose in action. See also *Henrique v. Paris*, 10 Haw. —.

We are therefore of the opinion that the demurrer and pleas are insufficient and the case is remanded to the Circuit Court of the First Circuit for such further proceedings as may be proper.

Kinney & Ballou and *W. R. Castle* for plaintiff.

A. S. Hartwell and *Thurston & Stanley* for defendant.

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Hawaiian Gazette.

SEMI-WEEKLY

ISSUED TUESDAYS AND FRIDAYS

W R FARRINGTON EDITOR

FRIDAY OCTOBER 2 1896

Every poison has its antidote and seemingly here is some hope for those who draw their opinions of events influenced by the misrepresentations of the opposition

If the people of the United States declare for free silver they can no longer consistently point disdainfully at the large number of Negroes in Hawaii With its Asiatic population this country keeps on a sound financial basis Some of the American politicians are dead set on bringing their financial systems to an Oriental basis

The baseball men have talked quite enough the next thing is to get down to business and arrange for the game between the leading teams of the League Manager Coyne published what he had to say over his own signature and certainly the Star manager or any member of the team should not hide behind a nomde plume The public would be glad to see a few more good ball games this season Stop talking and get down to business gentlemen'

Mr Thurston has set the bicycle wheels rolling in a style that should give the young men new enthusiasm and confidence in the race track project This is just the time of year for the cycle clubs to begin to get in their work The base ball and boating season is finished tennis is taking a breathing spell leaving withal a very good opening for the next section of the sporting fraternity to get in good trim Honolulu can't have too much in the way of good healthy outdoor sports

No better scheme for giving the Y M C A Senate a send-off could be selected than to open the first meeting with a silver vs gold discussion by some of the prominent gentlemen of the town The names of Kinney Thurston Bishop and Judd are often mentioned in connection with discussions on public finance although Chief Justice Judd is the only one of the four mentioned who favors the yellow metal It is certain however, that a very strong team could be formed, and the discussion would undoubtedly attract as large an audience as a regulation campaign rally

Our contemporary's remarks about the columns on columns of good road material it has published reminds us of the bicycle dude who started out to make a century run After riding two or three miles he became tired and sat by the side of the road while a small boy for a consideration took the job of spinning the front wheel of the machine till the cyclometer showed the requisite number of miles Having become thoroughly rested the bicyclist mounted his wheel rode back to the club house and began to tell stories of what a wonderful run he had made So our esteemed contemporary noted for its superabundance of wheels tells great stories of what it has done—but that is the first the public knew of it

When James G Blaine was in the campaign harness he told one of his lieutenants in forecasting the election returns to claim everything The spirit of the Plumed Knight is still hovering over the headquarters of the party managers Chairman Jones on arriving in Chicago recently gave out an interview in which he claimed New York and New Jersey for Bryan together with Illinois Indiana Ohio Wisconsin and Minnesota On the other hand every Republican prophet claims all the way from the above States and a few more beside The Washington dispatches furnished by Democratic organs of prominence confidently assert Bryan's election while the Republican fellow Monday himself is sawing wood

[illegible] in evening contemporary Senator McCandless and his self-opinionated mouthpiece are the only persons of anything that have done any good practical work in extending good roads Shades of departed ances tors what petrifactions the earth will be claimed next Senator McCandless has devised a plan of mining road improvement and should the mouthpiece make his Senator play [illegible]

[illegible] illiteracy [illegible] which may [illegible] back [illegible]

[illegible] the Northern States the common people is better [illegible] more intelligent progressive [illegible] wages are high and the climate healthful yet in the face of all its advantages the New England race if it may be so termed is in greater danger of dying out than the people of the South The evil of [illegible] and decline has gone hand in hand with the advance the culture and wealth of the descendants of the Puritan settlers If causes that bring this thing about are multifarious Degeneracy in society may be put down as one and moral degeneration another but the French critic comes pretty near the foundation of the matter when he attributes the decline of the birth rate to the tendency of woman nowadays to make her life more like men adopt men occupation and assume men's costume in a word do all things in which she believes that she will find emancipation that is preached to her Some people call this civilization and as it seems to be generally accepted as such future generations will see the civilized sections of the country wiped out of existence—and the world won't lose much in consequence The purest best and lasting civilization finds its foundation in the old fashioned country homes of large families and few spoiled and puny children where the society of the home circle is all that is desired, where money is scarce and hard work and brains plentiful

A FEW PRACTICAL RESULTS.

Discussion of the financial problem as set forth in the United States today usually results in a series of predictions The silverite is enthusiastic over what he believes the American Union can do towards restoring the price of silver and giving the producer more money while the goldbug maintains that free coinage will bring all financial transactions to a silver basis and run gold out of the country Every Tom Dick and Harry of the two opposing parties has his theory and his prediction worked out to a nicety But the best way to prove the silver theory is to turn to a country which has tried free coinage and whose financiers know how the system results in practice One of the best things which has come to our notice recently is an interview given the New York Sun by Senor Limontour the Mexican Minister of Finance

This gentleman has had an opportunity to study the silver coinage problem and has also had an opportunity to chase around to get funds to pay gold bonds which go to a high premium and this is what he says of Mexico Mexico has always had free coinage The ratio is 16½ to 1 Theoretically our standard is bimetallic but of course it is really a single silver standard It is not possible to have a double standard under free coinage Any gold we have is immediately exported and I have never seen any gold in circulation in Mexico Gold is at a premium of nearly 200 We produce but little gold Last year the output was 2,000,000 ounces while we produce the same amount of silver as the United States 55,000,000 or 60,000,000 ounces

There is keen interest in Mexico in the result of your election because of the effect it will have upon the price of silver generally Each time silver goes down it is a serious detriment to our country because we have made four foreign loans payable in gold As silver depreciates and the premium on gold is increased it becomes more difficult for our Government to meet these obligations Of course we have silver bonds also which are taken up at home, The gold bonds are worth nearly double what the silver bonds are worth It was a serious blow to us when the Indian mints were closed in 189[illegible] and the Sherman act was repealed in 189[illegible] because of the fall in the price of silver which followed

[illegible] the same story in practice as in theory [illegible] silver at a ratio of 16 to 1 becomes the standard money [illegible] gold [illegible] at a high premium goes out of existence When asked about the effect of the silver standard on wages Minister Limontour said They have not increased perceptibly The same is true of Japan where wages are very low For this reason Japan and Mexico will not for years be able to compete successfully with England and the United States because of silver and low wages

ACTION BETTER THAN WAITING

[illegible]

BIRTH RATE AND CIVILIZATION

According to census returns among the civilized nations the birth rate follows inevitably in the wake of civilization and strange to say in the wake of moral degeneracy as well The decrease in the birth rate is a problem that is to bring the French mind just at present and to the many intelligent and scientific men who have evolved theories as to the cause the world is indebted for [illegible] of considerable value

A writer in a scientific journal Paris draws attention to a movement among the [illegible] states of America [illegible] shows by extracts from United States [illegible] law [illegible] the whole [illegible] the last two [illegible] and the Southern and Western much higher rate The States having [illegible] New England Middle New Hampshire [illegible] Connecticut [illegible] Western [illegible] left [illegible] Virginia [illegible] Carolina [illegible] Mississippi [illegible] Louisiana [illegible] Texas [illegible] Arkansas [illegible] Tennessee [illegible] Kentucky [illegible] Ohio [illegible] Indiana [illegible] Illinois [illegible] Michigan [illegible] Wisconsin [illegible] Minnesota [illegible] Iowa [illegible] Missouri [illegible] Kansas [illegible] Nebraska [illegible] California [illegible] Oregon [illegible] Colorado [illegible] Nevada [illegible] Montana [illegible] Idaho [illegible] Wyoming [illegible] Utah [illegible] New Mexico [illegible] Arizona [illegible] Indian Territory [illegible] Oklahoma [illegible] Alaska [illegible] Washington [illegible] Dakota [illegible] Columbia [illegible] Alabama [illegible] Florida [illegible] Georgia [illegible] South Carolina [illegible] North Carolina [illegible] Virginia [illegible] West Virginia [illegible] Pennsylvania [illegible] New York [illegible] New Jersey [illegible] Maryland [illegible] Delaware [illegible] Rhode Island [illegible] Massachusetts [illegible] Vermont [illegible] Maine [illegible]

[illegible] speculation [illegible] and [illegible] existence [illegible] Honolulu [illegible] and [illegible] seriously recommend that the matter be quietly and allowed to blow over [illegible] in like the cloves being placed in a wax apple [illegible] appear shocked if the facts were mentioned and the miserable wretch of mankind exposed If modesty ever existed and if good [illegible] ever did anything injurious to social welfare of the community [illegible] such modesty and such injury [illegible] the tendency to pass through [illegible] what in this country [illegible] the category of common [illegible]

As to [illegible] persons or the details to which the Hilo Tribune refers we know absolutely nothing but we take for granted that the editor knew what he was talking about But mark the indifference with which such an affair is received Let the same thing happen in the Southern States and strangling up by the thumbs would be too good for the man let the same thing occur in the average Anglo Saxon community and the culprit would be ostracised from decent society and eventually run out of town What happened in Hilo? Nothing And the same would probably be true in Honolulu where the moral condition of the lower classes is dwelt upon with such solicitude There need be no hope for improvement among the lower classes when the circles even a few degrees higher treat immorality which is nothing more or less than most damnable criminality, as something that can't be helped consequently the less said about it the better.

Legislators may pass laws and police may hound the lower classes from pillar to post but the conditions will never improve for any length of time until the more select circles take a sharp [illegible] and until [illegible] becomes the mark which shall ostracise the man who bears it from the family circle, the social circle, and finally the business circle 'Hushing up' will never accomplish any permanent good newspaper warnings amount to nothing when people know the weak popular sentiment behind it Immediate practical and forcible condemnation on the part of the business community and society will do the work and do it most effectively in the shortest possible time

LOCAL BREVITIES.

Advertised letter list in this issue

The Government paid the interest on $625,000 worth of bonds yesterday

The October Delineator is now ready at Mrs Hanna's, also the October patterns.

It is probable that arrangements will soon be made for a hospital at Hilo Hawaii

Listen to what the Dickie bird says about the Hawaiian Hardware Co in their ad of today

Deputy Sheriff Scott of Maui left for his new post of duty yesterday His wife accompanied him

A good thing push it along meaning 'The Globe lawn mowers that Castle & Cooke are selling at moderate prices

W H Hall taxidermist at the Bishop Museum severs his connection with that institution this week and leaves for the coast by the Australia on Saturday

Among the welcome returning residents by the steamer yesterday were Judge Widemann and family who have been making a rather extended visit to the coast

Robert Catton's visit abroad was for the purpose of meeting his wife and children who have been visiting in Scotland their old home for nearly two years

As a result of the good sugar season the Ewa Plantation Co yesterday paid off $250,000 of its bonded indebtedness This puts considerable money in circulation in Honolulu

A young son of T C Wills of Kohala who has been ill with typhoid fever at St Louis College was removed to the residence of his uncle J F Wilkins yesterday

The flag over the Executive building was at half mast yesterday during the funeral of Joseph Nawahi Minister Cooper was present at the Nawahi home during the services

With [illegible] reporter for the Advertiser [illegible] Kinau yesterday [illegible] will visit Hawaii During [illegible] Charles Hyde will take [illegible] place [illegible]

The Bishop [illegible] and Father Leonor dined with the officers of the French man [illegible] Hawaiian hotel last night Chargé d'Affaires Canavero was one of the guests

James Campbell and family returned by the Australia yesterday after a long and to Mr Campbell eventful vacation in California Mr Campbell looks well and fit to give two or three Winthrops battl

Hon C C Bellows [illegible] and Miss Dickson returned yesterday after a two months visit to San Francisco Mr Bellows [illegible] and [illegible] last [illegible] with [illegible] Campbells [illegible] Waikiki [illegible]

FUNERAL OF THE LATE JOSEPH NAWAHI'S REMAINS.

Arrived by the Australia from Hilo Coast Yesterday

Large Attendance of Relatives and Friends Carriages, the Fire Band and Police Escort

(From Wednesday's Daily)

The remains of the late Joseph Nawahi arrived per the Australia yesterday and were met by nearly two thousand mourning friends

About eight o'clock the corpse was removed in a hearse drawn by four horses to the undertaking parlors of H H Williams and later taken to the Nawahi residence Palama

During the afternoon hundreds of visitors called on the Mrs Nawahi and paid their respects and at night the avenues leading to the house were lighted with torches as a mark of respect to the deceased The grounds were filled with people throughout the night The room in which the remains were lying in state was a mass of cut flowers in different beautiful designs two large pillows made of white flowers being especially noticable One had upon it wrought in flowers the name of the deceased and the other Aloha Aina

On either side of the casket four kahili bearers were placed and they kept watch during the night while a number of boys in whom Mr Nawahi was much interested during life sang Hawaiian dirges alternately with music rendered by the Kawaihau Club

(From Thursday's Daily).

The funeral services of the late Joseph Nawahi were held in the family homestead Palama shortly before 1 o'clock yesterday The house and the grounds were crowded with relatives and friends of the deceased, and various societies of which he was a member long before the hour announced for the funeral

Rev Timeoto delivered an eulogy over the remains in which he dwelt upon the sterling qualities of Mr Nawahi and the love he had for his country During his address the people congregated paid close attention and many of them were visibly affected

At half past one the cortege left the house headed by the Hawaiian Band and a detachment of police under Captain Parker Then came Undertaker Williams in a carriage drawn by four black horses Following walked two societies of women to the number of 500 and another the Aloha Aina of men The hearse drawn by sixty-four of the friends of the deceased was next in order The pall bearers J O Carter Charles Creighton David Dayton R W Wilcox W C Achi S K Kane J L Kauluko, F J Testa E K Lilikalani S K Kaaukai Kaunamano and Kanealii

The procession marched down King to Fort to the Kinau wharf where the casket, draped with an Hawaiian flag, was carried on board the steamer Hawaii for transportation to Hilo where the interment will take place

NEWSPAPERARCHIVE®

POSSIBILITIES IN PLANT CULTURE.

C. M. Heintz, a Horticulturist of California, Gives an Opinion.

NECESSITY FOR ORGANIZATION.

What Has Helped the Fruit Grower of California—Fumigation For Pests—Try It on the Japanese Beetle—What Inspectors May Accomplish—Large Trade May be Built.

C. M. Heintz, editor of the Rural Californian, whose arrival was mentioned in these columns early in the week, is enthusiastic on the subject of horticulture in Hawaii and sees a great future for people who wish to embark in the business of raising plants for shipment to the United States and Europe.

"But," said Mr. Heintz, "from my experience as a horticulturist and as an officer in various organizations devoted to the interests of horticulture in that state, I can see that something is needed; an organization different from anything you have here and something that will advance the interests, and protect them, of the planters. California has taken a position in the front rank of semi-tropical fruit-producing States, but the position could not be maintained but for the fact that the growers have an organization and the State appropriates money for the services of men who act as commissioners and inspectors of plants and trees.

"You have Commissioner Marsden, but what can one man do in a place as large as this? He is expected to do what we have forty men to accomplish and I am really astonished to see what Mr. Marsden has done. Let me tell you of our methods in Southern California: There we have forty men employed to inspect all of the orchards in seven counties and report to the commissioners. Some counties, the smaller ones, have but one commissioner, others have as many as three.

"When an inspector finds an orchard infested with scale or any other pest he at once reports it to the commissioner in his district. Then it becomes the duty of the commissioner to verify the report and order the owner of the orchard to use such means as the character of the pest may require to rid the orchard. If this is not done inside of ten days then the proper official of the county takes the matter in hand and has it done. The expense is charged to the orchardist, and if it is not promptly paid it is charged as a lien against the property.

"It is only by such measures as this that California has become what it is as a fruit-producing state. If it were not so more than half the trees would have been destroyed, for some men are so constitutionally tired even in the 'glorious climate of Californy' that they will not go to the trouble, and slight expense, of protecting their own interests.

"The commissioners of the seven counties meet once each month and compare notes; if new remedies brought in use have proven satisfactory to one man he communicates the fact to others. For a time the general plan there was to spray trees for any evil which might come, but that was so unsatisfactory in its results that it has been abandoned and the general impression now obtains that the best general results may be had by a fumigating process, and by the way I brought down a complete outfit and gave it to Commissioner Marsden.

"From the experience we have had with this process I am quite sure Honolulu would soon be rid of the Japanese beetles and the beautiful roses, of which I have heard so much would bloom again. We use it for other pests and by its agency the fruit trees of California have been kept in a perfectly healthy condition. Our organization extends beyond keeping pests from trees; fruit shipped from packing houses passes through the hands of an inspector before it leaves the point and in every large city in California is an inspector who examines it for pests. If any of the fruit shows signs of pest it is ordered cleaned, and if not promptly done the fruit is confiscated and destroyed.

"Nursery stock cannot go from one county to another without having a certificate of freedom from blight, and no station agent is allowed to receive fruit or trees without first seeing such certificate. When trees or shrubs arrive at a station, the agent notifies the county commissioner or inspector who examines them before they are delivered to the orchardist.

"Orange trees found within the city limits to be infested with pests must be cleaned by the owner or they are declared a nuisance and destroyed at the expense of the owner. I know of an instance where the rat scale infested one side of an orchard at Riverside and sixty magnificent fruit-bearing trees were killed by the commissioner. In this case the owner was willing to sacrifice the trees in order to get rid of the pest.

"You can see now what your Commissioner of Agriculture would have to attend to in order to have the trees here as free from blight as are those in California. You can see, also that it is a physical impossibility for one man to do it. Mr. Marsden has done heroic work, but he needs assistants, there should be a quarantine officer for the inspection of trees and plants to be shipped from Honolulu or to examine those which arrive, and for the inspection of trees and plants in the city. Then there should be two general inspectors, practical horticulturists, men whose services would be of service to coffee planters and others who are planting trees.

"I believe that if such men were employed here thousands of dollars could be saved the coffee men because there seems to be no one way of planting. I am told that they dig holes and put the top soil back and the bottom soil on top, because the opposite is sour. I am mystified if most be sour because a most soil in a new country and my soil three or four hundred years old is sour. What is most as you have is sour. The better way to plant is to dig the holes weeks and let them remain open long enough, a week will do, for the earth to dry out.

"The expense of maintaining such a system of inspection could be borne by the planters or divided between them and the government. In California the funds are raised by a special county tax on the horticulturists.

"If you had such plan in use here Commissioner Marsden could meet the planters, say, once in three months and the inspectors and quarantine agent could file their reports; the planters could express their opinions of methods and where one had discovered a remedy for certain blight it could be communicated to others. An interchange of ideas on coffee culture would be a wonderful benefit to the men who have put their money in that business in these islands.

"Another thing I wish to speak of. In California and all parts of the United States there is a constantly growing demand for your plants and ferns; people who live in southern California where the climate is similar to this, can grow the same trees and shrubs in the open air. In colder climates they are grown in hot houses and these people are willing to pay big prices for trees, bulbs or cuttings. But the pests you have are a barrier to the trade. Our inspector is very strict in the performance of his duties, and if there is the slightest trace of a pest on anything you ship us over board it goes.

"But if there was a quarantine officer to fumigate the plants or trees and some one would embark in the business of raising palms, ferns, etc., for shipment abroad I am sure an enormous trade could be built up. Why one man or one firm could not handle it? I am satisfied and I want you to make a note of the figures, that so soon as the fact become known that perfectly healthy trees could be shipped from here, that an export business of three or four hundred thousand dollars a year could be done. The people in the United States and Europe are wild after Hawaiian grown potted palms, ferns, particularly the birds' nest ferns, and they are willing to pay any price for them.

"You want to encourage emigration of a desirable white class of inhabitants. Men with limited capital could come here and embark in this business and get good results; men with families who are here now could go into it and do well, of this you may be assured. The capital required would not be more than a few thousand dollars, depending of course on the extent of the business, and there is an abundance of land here suitable to this line of business, but there should be a quarantine officer whose certificate would be a sufficient guarantee of the cleanliness of the plants—without this you cannot expect them to be landed in the United States."

METEOROLOGICAL SUMMARY.

From Observations Made by the Weather Bureau.

SEPTEMBER.

Average temperature, mean of three daily observations, 77.1; normal for September, 77.4. Average daily minimum, 73.1; average maximum, 85.1; lowest minimum, 68, on the 10th; highest maximum, 89, also on the 10th; lowest daily average, 74.7, on the 11th; highest, 78.8, on the 25th. (This was 0.2 less than the temperature of August 14th, which was the warmest day in the year.)

Average daily barometer, 30.014 in.; normal, 30.03; daily average range, 0.072; barometer lowest, 29.92, on the 10th; highest, 30.12, on the 2d; low pressure periods about the 4th, 10th, 19th and 30th; high pressure periods about the 2d, 7th, 14th and 21st.

Average relative humidity, average of observations at 9 a. m. and 9 p. m., 64.5; normal, 70; absolute humidity, 6.72 grains to the cubic foot, ranging from 6.2 on the 15th to 7.2 on the 2d and 17th.

Total rainfall, 0.65 in.; normal, 2.0; maximum rain in one day, 0.11 in., on the 19th; rain record days, 12; heavy dew on the 10th, 11th, 12th, 13th and 17th. Cloudiness, 34 per cent; normal, 40 per cent; days marked fine, 15, mostly between the 2d and 20th of the month.

Wind, N. E. trades, moderate in force until the 7th, then very light most of the time until the 17th, when they were interrupted, to return immediately and persist in moderate force until the 30th. The prevailing direction has been N. N. E.; average force, 2.65, Beaufort scale.

SUGAR GOING DOWN.

Williams, Dimond & Co. on Rice, Coffee and Sugar Market.

Williams, Dimond & Co.'s letter of September 21 gives the following late market report:

Rice—There has been an advance in Hawaiian in the local market owing wholly to a like advance in New Orleans; importers have refused offers at 3 3-4c net and are asking 4c, which will doubtless be obtained. There has been a severe drouth in Louisiana and the crop cannot be more than 50 per cent of last year's.

Japan—There is little demand at present and we quote price at $4.85, duty paid. With a further advance in Island, the demand for Japan rice will increase.

Kona Coffee—There is no particular change to note in the market and no arrivals until today, when a lot of 150 bags has come to hand, but has not yet been landed. We quote prices nominally at 18 1-2c to 19c.

Sugar—Our telegram from New York, received this afternoon, quotes centrifugals 96 per cent test, ex ship, wharf or store, at 4c per pound, with spot sales of 7,500 bags at this figure. Indications point to an instant change in raws for the present. Receipts have been heavy since Thursday, and importers are stocking. Buyers and sellers are apart and very little doing.

[illegible] sugar 96 per cent test, [illegible] $3.63 per cwt. Latest market price [illegible] is the highest [illegible] since [illegible] $3.75 paid [illegible]

[illegible] Advertiser for [illegible] Sugar Shipments of [illegible] Mohican for Honolulu Archer for Honolulu

The Buddhist idea of hell is a place of eight divisions. In the first and coldest the sinner walks for endless ages barefooted over a landscape of reflex needle points up

AND WINTHROP SAID "THANK YOU."

When Life Sentence Was Finally Passed on Him.

MAKES WEAK PROTEST TO JUDGE

But Millionaire Kidnapers Have no Favor in Eyes of the Law—Attorney Appeals to Supreme Court and Meets With Partial Success—Demonstration Quickly Suppressed.

Oliver Winfield Winthrop was sentenced to imprisonment for life by Judge Wallace yesterday for the robbery of the millionaire planter, James Campbell, August 31 last.

Winthrop listened to the words which condemned him to a life inside prison walls for the rest of his days with hardly a perceptible movement of the face or body. He seemed to gulp as the words "for the rest of your natural life" came from Judge Wallace's lips, and his mouth twitched a little, but that was all. The man, who appears to have no humane feelings or conscience whatever, seemed to take pride in appearing hardened.

When Judge Wallace took his seat at the opening of court yesterday morning the room was crowded in main floor and gallery both. Nearly all present were men, but the heads of half a dozen or so women peered around from behind the men's shoulders, trying to get a peep at the judge and the prisoner. The crowd was generally orderly, but it showed the interest felt in the remarkable kidnaping case, the facts of which, when first published exclusively in the Chronicle seemed almost incredible.

When the Winthrop case was called by Judge Wallace at 10.30 o'clock, Attorney Bell arose and asked for a continuance of the case, as he desired to present some matters to the court before sentence was passed.

Judge Wallace asked for the attorney's ground for his request. Bell replied:

"On the ground of newly discovered evidence. This evidence will impeach the testimony of one of the important witnesses for the prosecution, Urquhart testified that he was never convicted of felony. We have sent for records to prove that he was, and they have not reached here yet. I am prepared to make a motion for a new trial now, but I do not wish to do so until I procure the record."

District Attorney Barnes said: "I oppose a continuance, as the matter of which Mr. Bell speaks is not newly discovered evidence. It was in his possession at the time of the trial. Besides, it is not material to the defendant, as it seeks only to impeach a witness on a purely collateral matter."

Bell replied: "When I learned of the matter during the trial I had no evidence of it in hand. I ask for little. I only want a reasonable time."

Judge Wallace said: "This is not an important matter in this case. It tends only to impeach a witness. The jury had the whole matter before them to consider it as they chose. It is not to be expected that any different result would follow even had Urquhart been impeached. The questions put to Urquhart pointed to that as a ground for a motion for a new trial or for a continuance. I will have to deny it."

Attorney Bell then changed his tactics and said: "Then I want time to show misconduct on the part of one or more of the jurors."

Bell fought hard to gain his point and lost. Judge Wallace denied all his applications, even going so far as to have his words put in the record.

Turning to Winthrop, the judge said to him that he was guilty of having committed a crime in robbing James Campbell. He went on to rehearse the story of the kidnaping, the trial, the verdict, and then asked [illegible] to show why sentence should not be pronounced on him.

Winthrop [illegible] and his manner [illegible] He was clearly [illegible] and looked well and in good condition. He did not move a muscle until the judge asked the question. Then he bent forward and said: "I have in clear tones.

Bell interrupted, saying, "At this time I desire to move for a new trial on the regular statutory grounds, all set out therein, and I ask time to present affidavits as before."

Judge Wallace [illegible] to [illegible] and an exception was noted. Bell made a further plea, but Judge Wallace was not to be influenced by any of the attorney's statements, and turning to Winthrop again Judge Wallace asked him what he had to say that sentence should not be pronounced against him.

Winthrop replied sharply and distinctly: "In the first place, before being examined, I was tried, convicted and sentenced by the newspapers. In the second place, when I came into this court room I saw that I was not to have a fair trial. The District Attorney told the jurors that they were not [illegible] to administer justice, but [illegible] to find me guilty. They were [illegible] dozed [illegible] rendering their verdict.

"After I was arrested I was persecuted to the full extent of the police department's power. Every time a friend of mine came to see me a minion of the law was put on his track. One of my friends was even taken into custody.

"When I was brought into the court room I was pleased to be tried by [illegible] on account of the [illegible] have for dealing out justice according to our forefathers' judgment. (The [illegible] and little laughs were heard [illegible] Judge Wallace and Winthrop was trying to flatter the judge.) But I [illegible] death, as to confine [illegible] However, [illegible] not my case for [illegible] was robbed. When [illegible] was [illegible] that [illegible] I have to say is that I am [illegible] and this will be proved [illegible] Mr. W. [illegible] for [illegible]

[illegible] Advertiser for [illegible] Archer for Honolulu

AN INDESCRIBABLE SENSATION.

To be easily described a thing must have clear outlines and unmixed colors. In other words it must be simple. A rent in one's clothing, a boil on one's body, a tumble while walking, the shape of a box, etc., are easily set forth in words. On the contrary, the complex and comprehensive things puzzle the mind and take the meaning from language.

It was for this reason that Miss Sabina Mitchell, alluding to an experience of illness, says: "At this time there came upon me an *indescribable* sensation. It was as if the powers of life were going to fail me, and I should sink down without help, as a stone sinks in water. Yet in saying this I convey no adequate idea of the nature of that feeling. I hope I shall never have it again.

"The illness which led to it began in the spring of 1892. My health appeared to give way all at once. I found myself tired, heavy, and feeble. My appetite was poor, and after eating I had much distress at the stomach and pain at the chest and sides. My strength gradually declined and I became very low, weak, and nervous; and it was *when in this condition* that I felt the indescribable sensation I have spoken of.

"I soon became so depressed in body and mind that it was with great labour and strain that I attended to my business. I was extremely downhearted and feeble, and none of the many medicines I tried did me any good. In December, 1892, Mother Seigel's Syrup was commended to me, and I began using it with, I confess, small confidence. But after having taken it for a few days I felt wonderful relief. My appetite improved and eating no longer gave me pain. A short time afterwards the Syrup proved its value in the matter of my disordered nerves. The nervousness disappeared with my increasing strength. Nowadays when I need any medicine, a few doses of Mother Seigel's Syrup quickly set me right. Having had so much to do with the subject of what it can do, I recommend it to all my friends and customers. You can make any use you like of this letter. (Signed) (Miss) Sabina Mitchell, Marcham-le-Fen, Boston, Lincs. May 17th, 1895."

"In March 1892," writes another lady, "my health began to give way. I had lost my energy and was languid and heavy in feeling. I had a sense of fullness and dizziness that was almost constant, and occasional spells of sinking which I cannot describe. Hot and cold flushes came over me, my mouth tasted badly, and after eating I had a feeling at the chest like the pressure of an actual load upon it. I never seemed rested, and awoke in the morning more tired than when I went to bed. I was also much troubled with wind or gas from the stomach, and raised a sour, biting fluid.

"In this manner I continued to suffer for nearly two years, no medicine that I took giving me any relief. In January, 1894, I got a small book and read in it of cases like mine having been cured by Mother Siegel's Curative Syrup. I immediately procured the medicine from Boots' Drug Stores, and after taking it about ten days felt much better. I could eat something nourishing without any pain following. I kept on with the Syrup and was soon in my former good health once more. You have my permission to make this statement public. (Signed) (Mrs.) Ann Shaw, 174 Barnsley Road, Batsmoor, Sheffield, March 8th, 1895."

Concluding the [illegible] included to be [illegible] an eminent medical writer says: "It is symptomatic of [illegible] Mother Seigel's Curative [illegible] I have [illegible] [illegible] and [illegible]

[illegible] Advertiser for [illegible] Archer for Honolulu

A Cook Book Free.

"Table and Kitchen" is the title of a new cook book published by the Price Baking Powder Company, Chicago. Just at this time it will be sent free if you write a postal mentioning the Hawaiian Gazette or Advertiser. This book has been tried by ourselves and is one of the very best of its kind. Besides containing over 400 receipts for all kinds of pastry and home cookery, there are many hints for the table and kitchen, showing how to set a table, how to enter the dining room, etc.; a hundred and one hints in every branch of the culinary art. Cookery of the very finest and richest as well as of the most economical and home like, is provided for. Remember "Table and Kitchen" will be sent, postage prepaid, to any lady sending her address (name, town and State) plainly given. A copy in German or Scandinavian will be sent if desired. Postal card is as good as letter. Address Price Baking Powder Co., Chicago, Ill.

Passports Issued.

Mrs. Langley and child, J. A. Rodrigues, Capt. John Good Jr., Boniface Schaefer, A. F. Afong, Mr. and Mrs. A. Brown, J. W. Sanderson, M. Texeira, Mrs. Wray Taylor and child, W. E. Barry, all for the Australia.

NEWSPAPERARCHIVE®

THE COMMODITY TAKES A TUMBLE.

Williams Dimond & Co's Circular on Sugar Question

CARGOES ARRIVE IN NEW YORK

Beet Crops in California Recent Rains May Affect Them The Industry Growing Rapidly—New Factory in New Mexico—Another in Utah State of Market in Cereals

SUGAR—We have no change to note in the prices of refined in the local market or for export and the price list of the Western Sugar Refining Company of July 27th is still in force which we quote as follows

Cube crushed and fine crushed 5-8c powdered 5 3-8c dry granulated 4 3-4c confectioners A 4 3-4c magnolia A 4 3-8c extra C 4 1 4c golden C 4 1 8c

These prices are subject to the usual rebate of 1-8c per pound We quote price for export at 4 1-2c net cash for granulated

The local market for refined has not ruled active and the buyers are supplying their requirements only for the near future Packers and canners for their own consumption obtain a still further rebate from net prices quoted by the refinery

Beet granulated is being marketed at 1-8c per pound below refinery net prices and at this difference the stock is moving quite freely It has been estimated that the three factories in this state will produce during this campaign from 26 000 to 28 000 tons of sugar but we have recently had light rains which may prove detrimental to the beets now in the fields Whether any injury has thus far been done, it is yet uncertain but a further continuance will certainly reduce the percentage in the beets very materially

Contracts have recently been made in the East to the amount of $200 000 for machinery for the Alamitos Sugar Co of Alamitos Cal which place is situated near Los Angeles This company will make sugar from beets and expects to be ready for next year's campaign Capacity 400 tons beets per day

A new Beet Sugar factory is also building in New Mexico and we understand that another factory will be erected shortly in Utah

BASIS—Continued at 3 1-16c net until September 1st declined on that date to 3c net on the 17th inst to 2 25-32c net 18th to 2 3-4c net, and 19th no change

The following sales have been reported September 1st, spot 4000 bags at 3 1-4c 8th spot 800 bags at 3 1-4c, 17th spot Javas 1500 tons at 3 1-32c, 18th to arrive, 3700 tons at 3c

EASTERN AND FOREIGN MARKETS—The general situation in the East has not improved since our last circular but instead prices of raws have further declined The market as a rule has been without animation and the business in raw sugars unusually small for this time of year

Refined sugars however have been maintained at former figures viz 4 47c for granulated which is considerably above the parity of the raw market

The demand for refined has been good but no doubt the distribution would be much larger were prices put on a level corresponding more nearly to their relative value to raws

The European market has also exhibited dullness and has continued to fluctuate moderately according to weather reports Root tests Cuban news etc

London quotations for beet 88 per cent test have ruled as follows since our last circular August 29th, 9s 2 1-4d 31st 9s September 1st, 8s 10 1-2d 3d 9s 4th 8s 11 1-4d, 8th, 8s 10 1 2d 8th 8s 11 1-4d, 9th 8 10 1 2d 10th 8s 11 1-4d 11th 9s 12th 8s 11 1-4d 14th 8s 10 1-2d 17th, 8s 9 3-4d and no change since

According to late mail advices from London the growing German crop requires more duty heat while some French districts complain of want of moisture and are not at all sanguine about exceptional results The same may be said of Belgium From Russia no complaints are made though last years results must be considered exceptional

We quote from Messrs Czarnikow & Co's latest circular received here of September 8th as follows

The satisfactory crop accounts from Germany in conjunction with the still large visible supplies caused values to decline at one time to 8s 1 2d c i f new crop October December to 8s 1 Yesterday less favorable weather has given a certain firmness to the market and prices recovered the loss but the wide and speculative character of operations in new crop sugar their dependence on the present level of prices pastevent to sur- the weather now prevailing a new crop engenders which at this season of the year is in the hands of speculators in the United States only to be realized in the autumn when the visible supplies in Europe will be found to be very much smaller than at present and in France Belgium etc to buy back which with the outlook in Cuba and some other Colonies must be considered moderate such values are not likely to cause increase in sowings or planting next year whilst consumption may have a chance to reduce our old stocks to normal proportions

The American Cuban stocks are 15 000 tons up against 33 000 tons down whilst the Hamburg stock decreased 2 000 instead of 6 000 tons

The troubles in the Phillippine Islands are apparently more serious than acknoledged by Spain and should they spread they may have some bearing on the Manila sugar crop

The accounts from Cuba continue very bad and in some quarters the opinion is expressed that the coming sugar crop is not likely to reach this years figure

Business on the spot in cane sugar has again been insignificant the few sales of grocery crystallized show a further decline of about 3d per cwt while here is no demand for refining grades

Our late mail advices from New York of September 15th state that the market for raw sugar does not show any particularly interesting features and no new developments Refiners show indifference about purchasing and values are considered entirely nominal on the basis of 3 1-8c for 96 per cent test centrifugals 2 3 4c for 89 per cent test Muscovados and 2 1-2c for 89 per cent test molasses sugars Spot foreign granulated quoted nominally at 4 1 8c for medium German 4 1 4c for fine German 4 1-4c to 4 3 8 for Dutch on spot and to arrive

Private cables do not give any information calculated to throw new light on the situation and have reported business dull in London

London cable of above date quotes Java No 15 D S at 10s 9d, Fair Refining 9s 6d Beet, September 8s 10 1-2d, October 9s 1 1-2d First Marks German Granulated 10s 9d f o b Hamburg, equal to 3 62c net cash delivered New York duty paid

Latest mail advices from New York of September 16th state that holders are not disposed to meet buyers' views which are 3c for centrifugals and 2 3-4c for Muscovados, and referring to previous sale of cargo of Javas on the 11th inst to which we have referred previously in our mail advices state that this is now supposed to have been sold at 3c for 96 per cent test, and there is a rumor that another cargo has been sold from store also at 3c but without confirmation

There are two cargoes of Javas at the Breakwater one coming to a refiner and the other will be stored

The above sale is being further investigated and should it prove correct the basis for Island sugars on the 11th inst would be 2 3-4c. net instead of as previously advised

Stock of sugar at four ports U S on above date 292 103 tons against 214 021 tons same time last year Stock at six principal ports of Cuba by cable same date 51 800 tons against 212,199 tons same time last year Total stock in all the principal countries at latest uneven date September 10th, 1,373,049 tons against 1,549,541 tons at same time last year

FLOUR—G G Ex Family 3 50, El Dorado 2 65 per bbl f o b Crown 3 45 per bbl f o b

BRAN—Fine 11 50, coarse 12 00 per ton f o b

MIDDLINGS — Ordinary 16 50, choice 17 50 per ton f o b

BARLEY—No 1 feed 67 1-2c per ctl f o b grd or rolled 14 00 per ton f o b

OATS—Fair 90c choice 95c surprise 1 05 per ctl f o b

WHEAT—Chicken 1 05 milling 1 10 per ctl f o b

CORN—S Y 90c per ctl f o b

HAY—Wheat comp 10 50 large bales 11 50 per ton f o b Oat comp 9 00 large bales 10 00 per ton f o b

LIME—90c @$1 00 per bbl

CHARTERS—With a steady improvement in consuming markets for wheat freights have gradually improved since our last and transactions have been on a liberal scale both spot and to arrive Last charter a handy spot iron 31s 3d orders net, and the only disengaged vessel in port is held at 32s 6d orders Considerable tonnage is due To arrive business has been done at 27s 6d and 28s 9d orders as to size and position Steamers engagements continue at 28s 9d orders

Lumber business continues dull without material change in quotations

EXCHANGE—London 60 days, $4 82@4 83 sight $4 84 1-4$4 84 3-4 New York regular 05c Telegraphic 10c

WILLIAMS DIMOND & CO

SAN FRANCISCO Sept 8 The steamer S Paul was sold for $[illegible] on Thursday by Captain Johnson [illegible] which went on the bridge of the steamer New York when she ran on the Bonita rocks off the entrance to [illegible] only to be refloated [illegible] was obtained [illegible] for $[illegible] but under the [illegible]

HEALTH MATTERS WERE DISCUSSED.

Sanitary Condition of the Islands Under Consideration

APPLICATIONS BEFORE THE BOARD

Petition From Chinese Physicians—Mother's Strange Request Regarding Her Child Damages From Cholera Visitation—The Wailuku Hospital—New Appointment

Board of Health met at 3 p m Present W. O Smith president Drs Wood, Day and Emerson Messrs Lansing and Kellpio

The minutes of the previous meeting were read and approved

The first matter brought before the Board was a request from Lee Kai Fai, a Chinaman and his wife, for license to practice medicine A certificate from Dr Kerr medical examiner at Hong Kong was to the effect that petitioner was a practitioner of good standing in Hong Kong

Another petition from certain taxpayers in Honolulu, praying that request be granted was read The petitions were referred to the Board of Examiners

The committee to whom was referred the tender for drugs reported favorably on the bid and the contract was awarded to the Hollister Drug Co.

A verbal request from the wife of a leper to send her only child, a girl twelve years of age, to the Kapiolani Home for girls, was read This request was considered a peculiar one and was opposed by several members of the oBard and peremptorally denied

Petition of Kinau a property owner in the cholera district of last year, for permission to occupy one of his dwellings and rent the others was read.

President Smith stated that these houses were condemned last year and had not been occupied since Kinau, the petitioner, is a man who is really poor and unable to earn a livelihood, and asks to be allowed to rent two of the dwellings and occupy one.

The Board has been paying his rent for a year past, but he needed something more than that The president stated that the land is a marsh spot, but that he did not believe the place was unhealthy The place was condemned in order that excrement would not get into the harbor and contaminate it

Dr Wood said with the use of dry earth closets there might not be any harm but to let the people live there and dig a vault under the house would mean danger

The request was referred to the Sanitary Committee to report next week.

Dr Monsarrat reported 142 bullocks killed and examined

Under the Act to Mitigate, sixty-three women were reported examined during the week One German taken from the register at her own request.

Dr Hildebrand reported examination of 737 female pupils in the schools, and to issuing certificates to them

Letters and reports of Dr Meyers regarding the condition of affairs at the settlement were read by the president and his recommendations were carried out

Dr R B Williams of Hilo reported the examination of school children and issuing certificates He mentioned reading in the Gazette that R A Layman had recommended him to the position of registrar of births and marriages. He declared this was unauthorized and he resented it He had no time to attend to births deaths or marriages

The Board of Education reported that there was no Government physician in the district of Hanalei, and that the orders of the Board of Health regarding the examination of school children could not be carried out It was decided by the Board to offer Dr. Brown now at Kealia the position at Hanalei

On motion of Dr Emerson Sheriff Andrews of Maui was appointed an agent of the Board to confer with the matron of the hospital at Wailuku regarding the business and financial matters of that institution This is the same position occupied by the late Sheriff Everett, and since his death no one had been appointed to succeed him

A request from Sheriff Andrews asking permission to sell the delapidated pest house at Wailuku to Jose Juan for $2, was read and the request was granted

The following communication was read by President Smith

[illegible] West Street
New York [illegible]
[illegible] Board of Health
[illegible]
[illegible] is in receipt of Ma[illegible] [illegible] ast [illegible] of [illegible] a [illegible] ted [illegible] om [illegible] ted [illegible] rv [illegible] ort [illegible] and [illegible] ed [illegible] ose [illegible] om [illegible] ted In [illegible] hat [illegible] by- [illegible] av [illegible] and [illegible] all [illegible] sy [illegible] f [illegible] st [illegible] f [illegible] t [illegible] s

Republics of South America I also submitted this scheme to the American Dermatological Association to the American Public Health Association of Canada the United States and Mexico and to Miss Clara Barton the President of the American Red Cross Society It is to be communicated also to the Pope through Archbishop Corrigan It is desired that every influence that may exist of any kind be brought to bear upon the different governments so that they may consent to appoint official delegates Of course leprologists in their private capacity or as representatives of associations will be invited and are expected to attend The committee formed by the delegates will be exclusively concerned with the promulgation and application of laws suitable to the suppression and prevention of leprosy in each country leaving the discussion of questions of etiology bacteriology cure etc to the specialists This is the plan as it stands now and as it was submitted by me to Dr Goldschmidt Dr Goldschmidt in his reply has suggested that Moscow be the seat of congress as the International Congress is to meet here next year This is open to the following objections 1st—If the leprosy congress is held in Moscow along with the regular International Congress it will of necessity fall into position of secondary influence and will be in fact only a section of the General Congress 2nd—Hansen is entitled to claim the first leprosy congress he being the discover of the lepro bacillus 3rd—The Norwegian Government having been the first to express a willingness to issue the call (which should be issued by a government not by individuals) is entitled to the honor 4th—If the congress is now taken to Moscow, after the Norwegian physicians have expressed a desire to have it in Norway before even Moscow was suggested the Norwegian physicians will certainly take offence a leprosy congress without Hansen cannot well be imagined

Will you kindly publish this letter and ask the leprologists of Hawaii to communicate to the Provisional Committee of the Congress as it exists Dr G Armauer Hansen Bergen Norway Dr Jules Goldschmidt 4 Rue Dannan Paris France Dr Albert S Ashmead West Fourth St New York their own ideas about this great scheme and to offer such suggestions as may help to advance it May we hope also that you will use your own influence to obtain from your government as assurance of its willingness to appoint a delegate and help to make the first leprosy congress a success

Very truly yours
ALBERT S ASHMEAD, M D

The matter was referred to committee on treatment of leprosy A letter from Dr Eldredge was read regarding the charges for hotel accommodations and medical examination at Kusatsu Mineral Springs, Japan This is a place where foreigners and Japanese are treated for leprosy and skin diseases. When Dr Wood was at the Springs he obtained samples of the water, which he brought here As it is considered an important matter Dr Wood was to procure a chemical analysis of it

Regatta Committee.

The Regatta Committee wish to extend their thanks to the Judges, Starter and Time-keeper for their services on Regatta Day, to Captain Campbell for his kindness in extending the use of anchors, and the Judges' stand, to Messrs J A Hassinger, C [illegible]. Iaukea, Captain Campbell and T. J King for their service on the subscription lists, to Minister Cooper for the use of the band, to Minister King for the use of the tug in laying buoys, to the general public for their generous subscriptions and attendance

Subscriptions		$742
Disbursements		
Purses awarded in cash	$460	
Expense	195	$655
Balance in hand		$ 87

W E WALL,
DAVID KAWANANAKOA,
W C PARKE,
Regatta Committee of the Hawaiian Rowing Assiciation

PROF. BRIGHAMS AQUARIUM PLANS.

Will be the Best of the Kind in the World

PHILANTHROPY OF C R BISHOP

A Fortune for Science—Students Will Come From All Parts of the World Selection of a Site—Opportunity for the Public to Study Marine Life—Fish Growing in Tanks

Prof W T Brigham curator of the Bishop Museum returned by the Alameda on Thursday from a tour of the world which he made for the purpose of visiting every known museum where it would be possible to find collections of curios from the islands of the Pacific generally and the Hawaiian Islands particularly Incidentally Prof Brigham inspected the aquariums of the world for the purpose of procuring estimates to submit to Hon Charles R Bishop whose devotion to the educational interests of Hawaii is such that he has expressed a desire to add to his munificent gifts by establishing in this vicinity the largest and best equipped aquarium in the world

Prof. Brigham was seen by an Advertiser reporter at his cozy home yesterday He is the picture of health, having been greatly benefitted physically by his tour and was willing to talk Speaking of the enormity of the enterprise, he said

'Yes' I have asked Mr Bishop for $750,000, and he says I am an 'extravagant beggar'—he always says that when I hand him an estimate and usually ends up when it is over by saying 'Brigham, it could not have been done for a dollar less' It seems like a large sum, but it is less than Mr Bishop gave last year for educational purposes in Hawaii, and I am reasonably certain that he will give me what I want for the aquarium

"An institution such as I want will be a greater advertisement for Hawaii than all the pamphlets or political speeches than were ever printed or delivered When I was in Naples and told them of my plans one of the prominent men said, 'Yours must be a wonderful country to contemplate such a thing as that, it will be the greatest place of the kind in the world Hawaii must have a stable government or you would not undertake such a thing.'"

But the government will have no control on the aquarium Professor

'None whatever, but no one man or a collection of men would put three quarters of a million dollars into an institution like this aquarium will be if the country is to be in a tumult all the time"

How do you propose using the amount named as necessary for the work?

I will do nothing without a fund of a half million to carry on the work The buildings as I estimate them if they are built of material other than stone will cost $60 000 the rest of the fund will be for interior fixtures and appliances Then too there will be a powerful engine for pumping the water and reservoirs for keeping a supply of pure water for use when a storm happens along and stirs up the mud and water in the sea and puts it in a condition unfit for use in the tanks

'Just now the most difficult thing to solve is the problem of location We need a place convenien to the beach so that the water may be readily pumped up into the building and so our launch may come to a pier which must be built out from the shore I was in hopes that Mr Bishop's property at Waikiki would be available, but that has been turned over to the trustees of the Bishop estate and cannot be had We may have to go out by the park if land can be had In that case a channel will have to be cut through the coral reef and that I will expect the government to do with the dredger We must have a place wide enough—twenty feet will be plenty to permit the launch to pass in and out I have selected the launch a Herreshoff of the latest pattern This will be used by the professors and students in dredging expeditions then there will be the launch which will act as tenders on these trips And to carry on these and maintain a corps of competent scientific men money will be needed and that is what I want this permanent fund of $500 000 for

We must get these men from the best of similar institutions in the United States and Europe To get their services we must be able to show them that we have the means to pay them I was told in Naples that we need have no fear regarding the students we can get all we can accommodate they will come from all parts of the world and take tables and pursue their studies By a table I mean a room fitted up with a number of glass tanks shelves for a library and with other accessories Here one may study sea life and have greater privacy than could be had in his own home visitors are never admitted to these tables The glass jar or tanks contain a number of one species each There will be the Crustaceans the Mollusks and the Radiates to instance A student may want to study coral life from the very beginning to the end and he can do it here to his heart's content and without interruption I had to smile in Naples when I told them the greatest aquarium in the world would be run through by visitors, tenderfeet his apologies for intruding upon the gentleman who occupied the tables apologized for my taking me into the rooms but for going in himself The aquarium here when established will be conducted on the same plan as that in Naples or the one at Woods Holl in Massachusetts Where necessary improvements on them will be made

Another item of expense will be the library devoted to books on marine life I have already started a nucleus for which away I secured some valuable works Another thing I purchased and which with the books I bought will be used in the Bishop Museum until the aquarium is ready is a magnificent microscope the best that could be obtained in all Europe and one which was exhibited at Berlin With it I can make a cholera bacillus appear as big as an eel"

About the tanks Professor will you have them in a position where the fish may be observed by the public?

Yes he replied But really I do no care a snap for the exhibition part of it Naturally the public will wish to visit the aquarium and arrangements will be made for the people There will be enormous tanks that will contain hundreds of different species of sea life Of course care would have to be exercised in the selection of the species we would not want to put into a tank one of a species that would eat the others up before morning There is an endless variety of life in the Pacific and our aim would be to secure a number of specimens of each species We would not confine ourselves to those found only around the Islands, our search would extend all over the Pacific To accommodate them there must be numberless tanks even though there might be two hundred different species in one tank In crabs alone there are hundreds of varieties And in the waters around Fiji there is a crab with a body not larger than your hat and legs six feet long. We may never get a live one but we will most surely have one of the shells

"To keep these tanks in order and have the water always at the proper degree of temperature and clean, will require the greatest care Fresh water must be constantly pumped in, and the fish watched, so that if one should die it will not be allowed to remain in the tank long enough to poison the others There will be much of interest to professors and students as well as to the general public, and they will have opportunities for viewing what they could not under ordinary, and I may say natural, conditions It would be interesting for instance, to see a crab shed its shell and take on a new coat, and still greater to watch the growth of coral These things will be possible once the aquarium is established, as provisions will be made for keeping some of the tanks supplied with them

Prof Brigham is already at work on the plans for the great undertaking and they will be completed by him from ideas obtained during his visit abroad Besides the designs for the various buildings there will be the piping and arrangements for more than a thousand water taps to be used in the large exhibition tanks as well as the smaller ones in the students' rooms

'There are many things to be considered,' said the professor, "and I want the details perfect. I do not think I overlooked any of them, even to the accommodations of the faculty, in my conversation with Mr. Bishop In Europe the men rent a house and employ a cook and divide the expense pro rata In the design for the building I included a space for sleeping and dining rooms for the professors, but Mr Bishop objects to keeping a boarding house He may think of a better plan, and it will be carried out but I am sure it will not do for the people connected with the aquarium to live in town and go out to Waikiki to give instruction

While away I found some valuable relics of Cook and Vancouver in the museums valuable because they are without duplicates Some of them are in Berlin London and Berne and quite a number in the British Museum Except at the latter place I had no difficulty in securing photographs The trustees and curators of the European museums are liberal and when they had no photographs they did not hesitate to have them taken These are of many different articles including feather helmets different from those we have in the museum But in London there is the greatest difficulty If they want to purchase a specimen it requires an Act of Parliament to get the money for it

I offered to exchange photograph for photograph of specimens with the curator of the British Museum, but he informed me regretfully that they had none and no money to pay for having them taken They were valuable to me and I needed them for the museum here I was in a quandary what to do until I found one of the young men employed in the museum who had a camera They arrived on the Alameda and will cost three times as much as I would have to pay for photographs here

The arrangement in the museums abroad is not to be compared with those at the Bishop Museum The proper care seems not to have been given to light so that it is impossible to see the specimens they have there Thousands are packed away in drawers and the public is refused permission to view them and even those open to the public are half hidden by dark shadows The best one I found was the American Museum of Natural History in New York There nothing seems to have been neglected that will assist the student in his efforts to master the science of natural history

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Those who believe chronic diarrhoea to be incurable should read what Mr P F Gresham of Gaars Mills La has to say on the subject viz I have been a sufferer from chronic diarrhoea ever since the war and have tried all kinds of medicines for it At last I found a remedy that effected a cure and that was Chamberlain's Colic Cholera and Diarrhoea Remedy This medicine can always be depended upon for colic cholera morbus dysentery and diarrhoea It is pleasant to take and never fails to effect a cure For sale 50 cent sizes for sale by all druggists and dealers Benson Smith & Co agents for the Hawaiian Islands

$100 FOR A STARTER.

Mr. Thurston Wants That New Bicycle Track.

Tells His Good Reasons — Thurston & Stanley Will Also Help.

MR. EDITOR—I see by the papers that there is a proposition on foot to secure a bicycle track on the site near Kawaihao church, now being laid out by Mr. Desky, and that two propositions are being submitted by him, one for a fifty year lease and the other to acquire the fee simple title.

I believe that the use of the bicycle will work more in the interests of good health, good morals and good roads than any one influence that can be brought to bear in the city. One of the drawbacks heretofore to its more extended use has been the lack of a good track close at hand wherein races can be conducted, there stimulating interest in bicycle use.

The site proposed could not be improved upon and it seems to me extremely important that it be availed of and that the fee of the site should be now obtained.

There should be no difficulty in organizing a stock company to obtain the fee of this land, build a track and necessary buildings. Certainly there should not be any difficulty in raising $6000 for such purpose, which figure is given as that which will probably be necessary.

I would urge upon those who are in charge of the matter to make up their minds that they are going to have the track in fee and go ahead on that basis.

As a starter, Thurston and Stanley hereby offer to incorporate the company, draw by-laws and all other documents necessary in connection therewith, without charge, and I personally offer to take $100 worth of stock in the company.

LORRIN A. THURSTON.

TENNIS MATTERS.

Impetus Given the Game by Expected Coast Players.

The regular monthly meeting of the Pacific Tennis Club was held yesterday noon at the Hawaiian Safe Deposit Company's office. After routine business was transacted a letter was read by the president from C. H. Suydam, representing the California Lawn Tennis Club, in which he suggests the bringing together of the champions of the Pacific coast and the tennis men of Honolulu.

It was the sense of the meeting to extend an invitation to the Whitney brothers, who are the present champions of the Pacific coast, to visit these islands as guests of the Pacific Tennis Club. Satisfactory arrangements have been completed at this end, and a letter to that effect will be forwarded by the Australia. It will be a great treat to the lovers of tennis if these men come to the Islands with their interpretation of the good old game.

SHIPPING INTELLIGENCE.

ARRIVALS.

Tuesday, Sept. 29.

O. S. S. Australia, Houdlette, from San Francisco.

Wednesday, Sept. 30.

Stmr Kaala, Thompson, from Oahu ports.

Stmr J. A. Cummins, Searle, from Oahu ports.

Thursday, Oct. 1.

Stmr Kilauea Hou, Thompson, from Hawaii.

Stmr Waialeale, Peterson, from Kauai ports.

Stmr Lehua, Nye, from Hawaii ports.

DEPARTURES.

Tuesday, Sept. 29.

Stmr Ke Au Hou, Thompson, for Punaluu.

Stmr Kauai, Bruhn, for Makaweli.

Stmr. Kinau, Clarke, for Maui and Hawaii.

P. M. S. S. City of Peking, Smith, for China and Japan.

Stmr Iwalani, Smyth, for Lahaina, Honokaa and Kukuihaele.

Stmr Mikahala, Haglund, for Kauai ports.

Stmr Claudine, Cameron, for Maui ports.

Stmr Mokolii, Hilo, for Lahaina, Moloka; and Lanai.

P. M. S. S. Aztec, Brown, for San Francisco.

Wednesday, Sept. 30.

Stmr Hawaii, Weir, for Hawaii ports.

Thursday, Oct. 1.

Stmr Waialeale, Peterson, for Kauai

Stmr Kaala, Thompson, for Makawell.

Stmr J. A. Cummins, Searle, for Oahu ports.

PASSENGERS.

Arrivals.

From San Francisco, per S. S. Australia, Sept. 29: Miss Edna Askew, Miss Martha Bent, Hon. Cecil Brown, wife and [illegible], Master Carrol, Mrs. A. Cecil, Master Cecil, Miss Dickson, F. Hustace, W. M. Giffard, John Grace, H. [illegible] and wife, Herman Jones, Mrs. Symmonds, L. B. Kerr, M. Mack, Mrs. McGowan, Mrs. Nawahi, Miss L. W. Rodgers, E. H. Rose, J. H. Schnack, wife and two children, Mrs. S. [illegible], Miss Cargo, H. A. Widemann, wife and [illegible], Mr. Zeigler and wife, [illegible], and steerage.

From Kauai, per stmr Waialeale, October 1: Mr. Riddell, and 4 on deck.

Departures.

[illegible]

BORN.

KEVEN—In this city, September 28, 1896, to the wife of T. Keven, a daughter.

PRATT—In this city, September 27th, 1896, to the wife of Dr. J. S. Pratt, a daughter.

VON TEMPSKY—At Puuomalei, Maui, September 28th, 1896, to the wife of Randolph von Tempsky, a son.

LIST OF LETTERS

Remaining in the General Postoffice up to Sept. 30, 1896.

Adams, W	Austin, C.
Allen, C	Agasseiz, G.
Austin, E	
Brown, C. H	Barnet, J.
Braun, J	Blair, W.
Bell, G.	Brasch.
Baker, G.	Brown, W.
Bellman, E	Burgett, I. A.
Behne, C.	Bussle, L. N.
Curtis, M. L.	Campbell, M.
Cook & Son, T.	Clark, J. K.
Convers, C. H	Coman, F.
Clark, A.	Chaplain.
Christley, F.	Clark, C.
Clark, T.	Cowan, G. H.
Dunn, W. (2)	Downer, W.
Deim, E.	Doyle, D. P. (2)
Davis, R.	Davis, J. M.
Duncan, T. (2)	
Forbes, J. (2)	Fox, G.
Foster, G.	
Gwin, C. N. (3)	Gros, J. H.
[illegible]	[illegible]
Gow, F.	
Halverson, C.	Hutchison, W. K.
Hubush, Mr.	Hall, W. D.
Hanchett, S.	Hopkins, W. H.
Hobson, Mr.	Harper, J.
Hunt, H. G.	Hawkins, L. E.
Jacobson, S.	John Shooting Gal'y.
Joyce, F.	Johnson, O. C. (2)
Johnson, C.	
Ken, W.	Kruan, J.
Lobben, C. C.	Lane, A. L.
Ludloff, Mr.	Leonard, H.
Lunning, F.	Lloyd, C.
Lindsey, C.	Lee, A.
Lake, C.	
Meyer, Mr. (2)	Markenzie, C. B.
Monkhouse, Mr.	McDonald, P.
Murphy, P.	Meyers, H. E.
Muller, J. W.	Mills, T. W.
Marquez, C.	McMenamin, D.
Marshall, M. E.	McLean, J.
Nichols, Capt. M.	Nicholas, F.
Puga, J.	Peter, S.
Peters, J.	Petertions, H.
Petersen, J. W.	Petersen, A.
Pirizie, J. G. (4)	Patterson, A.
Porter, G.	Pearce, R. S.
Peckard, Mr.	Powers, H.
Phillips, E.	
Richardson, B. (2)	Rickard, Mr. and Mrs. T.
Rosenthal, M. (2)	
Sockett, C. B.	Spring, T. B.
Smith, C. B.	Spalding, B.
Smith, E. (2)	Shaw, J. T.
Spooc, Mr.	Seffery.
Spencer, T.	Schriessler, O.
Schroeder, H.	
Thorpe, F.	Thomas, E. B. (5)
Wood, A. C.	Wallace, C. (2)
Wilbur, R. F.	Webber, H. A.
West, L. G.	Williams, F. J.
Wickander, C.	Wronskjeld, F.
Wilkinson, T.	Wade, E. C.
Warrick, H. H.	Wood, H. S.
Wilson, J. D.	Waggoner, T. R.
Wikander, F. (2)	Watson, W. D.
Yarick, M. E.	Young, C.
You, W. A.	

REGISTRY BUSINESS.

Brakenridge, N. B. Pschoor, Dr.
Baker, Rev. E. P.

LADIES.

Austin, M. Mrs.	Alexander, E M, Mrs
Andrews, Mrs.	
Barker, E. Mrs.	Belle, J. R. Mrs.
Brown, M. Miss.	Banning, L. V. Mrs.
Clark, C. Mrs.	Clark, A. Mrs. (2)
Clark, J. Miss.	Christian, Miss.
Daniel, M. Mrs.	
Gearon, Miss (3)	Gates, Mrs.
Hutchinson, WR Mrs	Houghtailing, J Mrs
Harbottle, D.K. Miss	
Lidgate, A. Mrs.	Levey, A. Mrs.
Lee, P. Mrs.	Lee, J. M. Mrs.
Lewis, Miss	
Mise, C. Mrs.	
Richardson R Mrs	
Swingley, M. V. Miss	Spencer, N. A. Mrs.
Shaffer, L. S. Miss	Sherman, L. Mrs.
Searles, Mrs.	
Taylor, L. K. Miss	Tilbett, Mrs
VonGraevemeyer, W Mrs. (3)	
Welchman, W. Mrs.	Warde, A. Mrs.
Walker, J. H. Mrs.	Whitney, R. S. Mrs. (2)
Wagner, K. Mrs.	
Wallace, J. Mrs.	

Parties inquiring for letters in the above list will please ask for "Advertised Letters."

JOS. M. OAT,
Postmaster-General.

General Postoffice, Honolulu, Sept. 30, 1896.

EXECUTORS' NOTICE TO CREDITORS.

The undersigned, executors under the will of Dr. John Mott-Smith, late of Honolulu, in the Island of Oahu, deceased, testate, hereby give notice to all persons having claims against the estate of the said decedent, to present the same duly verified with proper vouchers to the undersigned at the Law Offices of Alfred S. Hartwell, over the Bank of Bishop & Co., in Merchant street, in said Honolulu, within six months from date hereof, and that claims not so presented will be forever barred. This notice has become requisite by the defective publication of the former notice.

(Signed) HAROLD MEADE MOTT-SMITH,
(Signed) ERNEST AUGUSTUS MOTT-SMITH,
(Signed) MORTON CHURCHILL MOTT-SMITH,
Executors.

Dated Honolulu H. I., Oct. 2, 1896.
1799-4w

BY AUTHORITY.

SEALED TENDERS

Will be received at the Office of the Minister of the Interior till 12 o'clock noon of MONDAY, October 19th, 1896, for furnishing lumber and nails for the Jail Fence at Hilo.

Specifications at the Office of the Superintendent of Public Works, and also at the Office of the Sheriff of Hawaii.

The Minister does not bind himself to accept the lowest or any bid.

J. A. KING,
Minister of the Interior.

Interior Office, Sept. 24, 1896.
1798-3t

In accordance with Section 1 of Chapter XXXV of the Session Laws of 1888, I have this day set apart an enclosure for the impounding of estrays at Kalepolepo, in the District of Makawao, Island of Maui, on a lot situated on the Northwest corner of the Pasture Land known as "Kapuhau," on the west side of the Government Road leading to Makena.

In accordance with Section 2 of Chapter XXXV of the Session Laws of 1888, I have this day appointed Samuel Kuula, Poundmaster for the above Government Pound.

J. A. KING,
Minister of the Interior.

Interior Office, Sept. 21, 1896.
1797-3t

PUBLIC LANDS NOTICE.

SALE OF VALUABLE LEASE AT AUCTION.

On Saturday, October 17th next, at 12 o'clock noon, at front entrance of Judiciary Building, will be sold at Public Auction, the Lease of the Government Fishponds of Kaihikapu and Lelepaua, in Moanalua, Oahu, containing 742 acres.

Term: Fifteen years.

Upset Rental: Eight Hundred Dollars per annum, payable Quarterly in advance.

Notes of survey and plan of the above Fishponds may be seen at the Public Lands Office, Judiciary Building, Honolulu.

J. F. BROWN,
Agent of Public Lands.

Public Lands Office, Honolulu, Sept. 21st, 1896. 1796-td

SPECIAL PARTNERSHIP NOTICE

Notice is hereby given that the persons hereunder named have formed a SPECIAL PARTNERSHIP.

First: The name under which the partnership is to be conducted is

H. HACKFELD & CO.

Second: The general nature of the business intended to be transacted is the business of Importers, Sugar Factors and Commission Merchants.

The place where such business is to be transacted is in the Republic of Hawaii, with an office on the South Corner of Fort and Queen streets, in Honolulu, Oahu, in said Republic.

Third: The names and residences and the specification of general and special partners are as follows:

THE FOLLOWING ARE GENERAL PARTNERS:

Paul Isenberg, residing at Bremen, Germany.

J. F. Hackfeld, residing at said Honolulu.

THE FOLLOWING ARE SPECIAL PARTNERS:

J. C. Glade, residing at Wiesbaden, Germany.

J. W. Pfluger, residing at Bremen, Germany.

Prof. H. H. Pfluger, residing at Bonn, Germany.

J. C. Pfluger, residing at Bremen, Germany.

Fourth: The period at which such partnership was begun is September 1st, 1896, and it is to continue until September 1st, 1901.

PAUL ISENBERG.
J. F. HACKFELD.
J. C. GLADE.
J. W. PFLUGER.
PROF. H. H. PFLUGER.
J. C. PFLUGER.

Honolulu, Sept. 28th, 1896.
1798-5w

WATER RIGHT NOTICE.

Application having been made to me by Mrs. Kamaka Stillman, Mrs. Kekoaniele and Mrs. H. K. Waiwaiole for adjudication of their rights in the water flowing from the eastern watergate of Kunawai pond and running through Kauluwela auwai which may involve a redistribution of the several water rights belonging to Kauluwela, Kalia, Kamakela and Aala, on account of the confusion existing in same, notice is hereby given that all parties interested in said water from Kunawai spring do attend and prove their rights at 10 A. M. of Saturday, October 17th, 1896, at the Judiciary Building, or they will be adjudicated without such attendance.

E. M. NAKUINA,
Commissioner of Private Ways and Water Rights for district of Honolulu, Oahu.

Honolulu, Sept. 21, 1896.
1799-2w

IN THE CIRCUIT COURT, FIRST Circuit of the Hawaiian Islands. In Probate. In the matter of the Estate of Lam Pow alias Yait Sang, late of Honolulu, deceased, intestate.

The petition and accounts of the Administrators of the Estate of said deceased, wherein they ask that their accounts be examined and approved and that a final order be made of distribution of the property remaining in their hands to the persons thereto entitled, and discharging them from all further responsibility as such Administrators.

It is ordered that Monday, the 2d day of November, A. D. 1896, at ten o'clock A. M., at Chambers, in the Court House, at Honolulu, be and the same hereby is appointed as the time and place for hearing said Petition and Accounts, and that all persons interested may then and there appear and show cause, if any they have, why the same should not be granted.

Honolulu, October 1, 1896.

By the Court:
P. D. KELLETT, JR.,
1799F-3t Clerk.

IN THE CIRCUIT COURT OF THE Fifth Circuit, Hawaiian Islands.—In Probate. At Chambers. In the matter of the Estate of Kapalehua (k), late of Wailua, Kauai, deceased, intestate. Before Judge Hardy.

Order of notice of petition for allowance of final accounts and discharge in deceased estates.

On reading and filing the petition and accounts of Carl Isenberg, Administrator of the said estate, wherein he asks to be allowed $..... and charges himself with $....., and asks that the same may be examined and approved, and that a final order may be made of distribution of the property remaining in his hands to the persons thereto entitled, and discharging him and his sureties from all further responsibility as such Administrator.

It is ordered, that Monday, the 16th day of November, A. D. 1896, at ten o'clock A. M., before the Judge of said Court at the Court Room of the said Court at Lihue, Island of Kauai, be and the same hereby is appointed as the time and place for hearing such petition and accounts, and that all persons interested may then and there appear and show cause, if any they have, why the same should not be granted, and may present evidence as to who are entitled to the said property. And notice of this order, in the Hawaiian and English languages, be published in the Kuokoa and Hawaiian Gazette, newspapers printed and published in Honolulu, for three successive weeks, the last publication to be not less than two weeks previous to the time therein appointed for said hearing.

Dated at Lihue, this 25th day of September, 1896.

R. W. T. PURVIS,
1799-3tF Clerk.

IN THE CIRCUIT COURT OF THE Fourth Circuit, Hawaiian Islands. At Chambers.—In Probate. In the matter of the Estate of Edward B. Bartlett of Hilo, Hawaii, deceased, intestate.

Order of Notice of Petition for Administration.

On reading and filing the petition of Luther Severance, attorney in fact for Lucela D. Ludden, only child of said Edward B. Bartlett, alleging that Edward B. Bartlett of Hilo, Hawaii, died intestate at Hilo, Hawaii, on the 29th day of July, A. D. 1896, leaving property in the Hawaiian Islands necessary to be administered upon, and praying that Letters of Administration issue to Luther Severance.

It is ordered that Friday, the 30th day of October, A. D. 1896 at 10 o'clock a. m., be and hereby is appointed for hearing said petition in the Court Room of this Court at Hilo, Hawaii, at which time and place all persons concerned may appear and show cause, if any they have, why said petition should not be granted.

Dated Hilo, H. I., Sept. 21, A. D. 1896.

By the Court:
DANIEL PORTER, Clerk.
1797F-3ta

IN THE CIRCUIT COURT OF THE First Circuit, Hawaiian Islands. Fredericka Cook vs. Clark Matthew Cook. Libel for Divorce.

The Republic of Hawaii:

To the Marshal of the Hawaiian Islands, or his Deputy, Greeting:

You are commanded to summon Clark Matthew Cook, defendant, in case he shall file written answer within twenty days after service hereof, to be and appear before the said Circuit Court at the August term thereof, to be holden at Honolulu, Island of Oahu, on Monday, the 3rd day of August next, at ten o'clock A. M., to show cause why the claim of Fredericka Cook, plaintiff, should not be awarded to her pursuant to the tenor of her annexed petition. And have you then there this writ with full return of your proceedings thereon.

Witness Hon. A. W. Carter, First Judge of the First Circuit Court of (L.S.) the First Circuit at Honolulu, Hawaiian Islands, this 17th day of June, 1896.

(Sig.) HENRY SMITH, Clerk.

I certify that the foregoing to be a true copy of the original summons in said cause, and the said Court ordered publication of the same and continuance of said cause until the next November term of this Court.

Honolulu, August 26, 1896.

GEORGE LUCAS, Clerk
1789F-6ia

MORTGAGEE'S NOTICE OF INTENTION TO FORECLOSE AND OF SALE.

Notice is hereby given that by virtue of a power of sale contained in a certain mortgage dated the 29th day of August, A. D. 1885, made by Kaaiai (k) of Waikiki, Island of Oahu, to Makanoanoa Merseburgh of Waimalo in said Island of Oahu, recorded in the office of the Registrar of Conveyances, in Liber 97, folios 198 and 199 which said mortgage was assigned by J. M. Monsarrat, Trustee for the said Makanoanoa Merseburgh to Makakehau (w) formerly of Honolulu, in said Island of Oahu and now of Honokohau, Island of Maui, by assignment dated October 8th, 1888, and recorded in the office of the said Registrar of Conveyances in Liber 97 on folio 199, the said Makakehau (w), assignee of the said mortgagee intends to foreclose said mortgage for a breach of the conditions in said mortgage contained, to wit: the non-payment of both the principal and interest when due.

Notice is also hereby given, that all and singular the lands, tenements and hereditaments in said mortgage contained and described will be sold at public auction at the auction room of W. S. Luce on the corner of Fort and Queen streets in said Honolulu, on Monday, the 19th day of October, A. D. 1896, at 12 o'clock noon of said day.

The property in said mortgage is thus described, viz:

All that certain piece or parcel of land situate in Kaneloa, Honokohau in the Island of Maui, one of the said Hawaiian Islands containing an area of 1.93 acres and being Apana 1 of Royal Patent No. 5964, L. C. Award No. 7250 to Kaahupahau and the same premises that were conveyed to said Kaaiai (k) by said Kaahupahau by deed dated October 9th, 1879, and recorded in Liber 72, folios 332-3.

MAKAKEHAU (w),
Assignee of Mortgagee.

J. M. MONSARRAT,
Attorney for Assignee of Mortgagee.
Dated Honolulu, September 25, 1896.
1797-4tF

MORTGAGEE'S NOTICE OF FORECLOSURE.

In accordance with the provisions of a certain mortgage, made by Monika Konohiki (w) and P. Konohiki (k) to James K. Kekaula, dated December 5th, 1891, recorded in Liber ——, page ——; notice is hereby given that the mortgagee intends to foreclose the same for conditions broken, to wit: the non-payment of principal and interest.

Notice is likewise given that after the expiration of three weeks from the date of this notice, the property conveyed by said mortgage will be advertised for sale at Public Auction, at the auction rooms of Jas. F. Morgan, in Honolulu, on MONDAY, the 26th day of October, 1896, at 12 noon of said day.

Further particulars can be had of William C. Achi.

Dated Honolulu, Sept. 28, 1896.

JNO. K. KEKAULA and
WAIHU KEKAULA,
Executor and executrix of the estate of James K. Kekaula, deceased mortgagee.

The premises covered by said mortgage consist of:

All those premises situated in Kau, Island of Hawaii, and more particularly described in Royal Patent 3325 on L. C. A. 9559 to Molina, 3½ acres.

2nd. All those premises described in Royal Patent 6906 on L. C. A. 8754 to Pahupu, 3 47-100 acres.

1798-3w

MORTGAGEE'S NOTICE OF FORECLOSURE.

In accordance with the provisions of a certain mortgage made by L. and D. Keaweamahi to Yim Quon duly assigned to W. R. Castle, Trustee, dated May 29, 1893, assignment 22 April, 1896, recorded Liber 139, page 398, notice is hereby given that the assignee of mortgagee intends to foreclose the same for condition broken, to-wit: non-payment of interest.

Notice is likewise given that after the expiration of three weeks from the date of this notice, the property conveyed by said mortgage will be advertised for sale at public auction at the auction rooms of Jas. F. Morgan, in Honolulu, on Monday, the 19th day of October, 1896, at 12 noon of said day.

Further particulars can be had of W. R. Castle.

Dated Honolulu, Sept. 22, 1896.

W. R. CASTLE, Trustee.
Mortgagee.

The premises covered by said mortgage consist of:

Fine premises on the S. E. side of Emma street, in Honolulu, above the lane to Punchbowl street containing several good houses, bringing a good rental, and covered by two deeds, to-wit: 1st, Hana Heilei to D. Keaweamahi, recorded in Liber 53, page 133; 2d, Mailou to Lilia Keaweamahi, recorded in Liber 52, page 488.

1796-4w

ADMINISTRATOR'S NOTICE.

The undersigned, having been appointed administrator of the estate of Kilikina Puu (w), late of Makawao, Maui, deceased, by order of the Honorable John W. Kalua, Judge of the Circuit Court of the Second Circuit, H. I., hereby notifies all persons having claims against said estate to present the same, duly authenticated, and with the proper vouchers, if any exist, within six months from the date hereof or such claims will be forever barred. And all persons indebted to said estate are also notified to make payment thereof to said administrator.

JOHN LEAL,
Administrator of the estate of Kilikina Puu (w).

Makawao, Maui, Sept. 3, 1896.
1793F-4ia

NOTICE.

All parties having claims against the Estate of the late C. Akana, storekeeper, who carried on business at Kailua, Kainaliu and Hookena, Kona, Hawaii, are requested to lodge the same, duly authenticated, with the undersigned within three months from this date.

W. F. WILSON,
Receiver C. Akana's Estate.

Kailua, North, Kona, Aug. 31, 1896.
1791-1m 4396-1w

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